

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1988

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 2, 1988**



Vol. 2

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

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CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
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5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1988**

TWENTY-SECOND LEGISLATIVE DAY

FRIDAY, APRIL 8, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Nicole Smith, Houston Hills Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

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RULE 17 INVOKED

Senator Hand requested that Senate Rule 17 be invoked for today.

And the President and Presiding Officer of the Senate ordered that Senate Rule 17 be invoked for today.

JOURNAL

Senator Corbett offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Move to suspend reading the Journal at length.

Senator Hand offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to lay that motion on the table.

Which motion was lost.

Yeas 12; Nays 13.

Yeas:

Senators:	Dial	Hand	Preuitt	
Barron	Dixon	Manley	Rice	
Bedsole	Hale	Mitchem	Smith (B)	
Cabaniss				—12

Nays:

Senators:	Corbett	Foshee	Horn	
Amari	Denton	Goodwin	Langford	
Bailey	Drinkard	Holmes	Parsons	
Bennett	Figures			—13

The question then recurred on the Motion in Writing of Senator Corbett, which was adopted, and the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

Yeas 14; Nays 12.

Yeas:

Senators:	Corbett	Foshee	Langford	
Amari	Denton	Goodwin	Menton	
Bailey	Drinkard	Holmes	Parsons	
Bennett	Figures	Horn		—14

Nays:

Senators:	Dial	Hand	Preuitt	
Barron	Dixon	Manley	Rice	
Bedsole	Hale	Mitchem	Smith (J)	
Cabaniss				—12

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for

REGULAR SESSION
22nd Day

1189

the Twenty-first Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-first Legislative Day was approved by the Senate.

MOTION TO ADJOURN LOST

Senator Hand offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move to adjourn to Tuesday, April 12, 1988 at 10 A.M.

Which was lost.

Yeas 12; Nays 16.

Yeas:

Senators:	Dial	Hand	Preuitt	
Barron	Dixon	Manley	Rice	
Bedsole	Hale	Mitchem	Smith (J)	
Cabaniss				—12

Nays:

Senators:	Campbell	Foshee	Langford	
Amari	Corbett	Goodwin	Menton	
Bailey	Denton	Holmes	Parsons	
Bennett	Drinkard	Horn	Sanders	
Bishop				—16

REPORTS OF COMMITTEES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Ellis:

S. 331. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

By Rep. Hill:

H. 62. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

By Senator Hale:

S. 407. To amend sections 41-16-20 and 41-16-24, Code of Alabama 1975, to change from \$2,000.00 to \$5,000.00 the minimum amount at which state purchases and contracts are to be made and let by competitive bid.

By Senator Hale:

S. 239. To amend Sections 12-16-8 and 12-16-8.1, Code of Alabama 1975, which sections relate to juries and jurors to further provide for the compensation to which employees are entitled when summoned to jury service; to provide for a statement of attendance; to further provide for the wrongful discharge of persons summoned for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service and to increase the expense allowance from \$10.00 to \$12.00 for each day's service.

By Rep. Haynes:

H. 351. This bill provides for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious disease by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that the following Bills have been returned to the end of the Regular Order Calendar, to-wit:

By Senator Rice:

S. 196. To amend §16-9-1, §16-9-2 and §16-9-12, Code of Alabama, 1975 and delete in their entirety §16-9-4, §16-9-5, §16-9-6, §16-9-7, §16-9-8 and §16-9-9, Code of Alabama, 1975 so as to require county boards of education to appoint county superintendents of education and establish implementation procedures.

By Senator Smith (J):

S. 472. To further amend Section 35-15-1, Code of Alabama 1975, as amended, relating to the duty of care owed persons on premises for certain sporting and recreational purposes, so as to add certain persons who go onto premises for purposes of purchasing, picking or gleaning agricultural produce or products.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143,

23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Finance Committee.

The question was on the Foshee substitute for the Dial substitute, which said substitutes are set out in the Journal of the Senate for the Twentieth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 606. To amend Section 1 of Act No. 80-550, H. 977 of the 1980 Regular Session (Acts 1980, p. 859), allowing the Jackson County Commission to contribute a certain amount of public funds to certain rescue squads in the county, so as to provide further for the limit on such contribution to each rescue squad.

Also:

S. 609. Relating to Clay County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for the Clay County Hospital and Nursing Home and providing for a referendum.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 560. Relating to Mobile County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the City Federation of Women's Clubs, Incorporated, a non-profit corporation; to make the provisions of the act retroactive to October 1, 1987.

Also:

S. 593. To authorize the Jackson County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 451. Relating to Jackson County; to provide that public park board members may use public park facilities in lieu of expenses and compensation and to ratify and confirm all such prior use of such facilities in lieu of compensation.

Also:

S. 555. Relating to Fayette County; providing further for the compensation of the judge of probate; repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 608. Relating to Clay County; directing the county commission, the county board of education and the county hospital to receive the maximum interest available from any banking institution doing business in the county on their funds normally kept on demand deposit and prescribing certain procedures and requirements to insure that such maximum interest is paid on such funds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 546. Relating to Mobile County, providing further for the deposit of any interest on county funds.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Foshee substitute for the Dial substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 99. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, relating to limits on sick leave so as to increase the maximum number of possible accumulated sick leave days from 150 to 180 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 152. CONGRATULATING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR 1988 STATE 1A BASKETBALL CHAMPIONSHIP.

Also:

S. J. R. 156. COMMENDING WILLIAM C. BRADFORD OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE AND CONTRIBUTIONS TO OUR NATION'S SPACE PROGRAM.

Also:

S. J. R. 157. COMMENDING JOE ROBERTSON OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND PUBLIC SERVICE.

Also:

S. J. R. 159. CONGRATULATING COACH MARIO CUMBERLANDER AND THE CHAVALA HIGH SCHOOL WILDCATS ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 145. COMMENDING FORMER U. S. CONGRESSMAN JACK EDWARDS AS 1987 MOBILIAN OF THE YEAR.

Also:

S. J. R. 146. NAMING THE EXISTING CREST AVENUE IN THE CITY OF TUSCUMBIA, ALABAMA, IN HONOR OF WILLIAM F. GARDINER.

Also:

S. J. R. 136. MOURNING THE DEATH OF PHILLIP J. HAMM OF
ELBA AND DOTHAN, ALABAMA.

Also:

S. J. R. 49. CREATING THE DISABLED PERSONS PROTECTION
COMMISSION.JOHN W. PEMBERTON,
Clerk.**FURTHER CONSIDERATION OF S. B. 484**The Senate proceeded to further consideration of the Bill, S. B. 484.
The question was on the Foshee substitute for the Dial substitute.

Senator Foshee offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Move to lay Foshee substitute on the table.

Which was adopted.

Yeas 32; Nays 1.

Yeas:

Senators:	Corbett	Figures	Langford
Amari	Covington	Foshee	Menton
Bailey	deGraffenried	Goodwin	Mitchem
Bedford	Denton	Hale	Parsons
Bedsole	Dial	Hand	Preuitt
Bennett	Dixon	Hilliard	Rice
Bishop	Drinkard	Holmes	Sanders
Cabaniss	Ellis	Horn	Smith (B)
Campbell			

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Nay: Senator Smith (J)

—1

The question then recurred on the Dial substitute.

Senator Corbett offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Move to table Dial substitute to S. B. 484.

Which was adopted.

Yeas 21; Nays 14.

Yeas:

Senators:	Corbett	Foshee	Langford
Bailey	Covington	Goodwin	Menton
Bedford	deGraffenried	Hilliard	Parsons
Bennett	Denton	Holmes	Rice
Bishop	Drinkard	Horn	Sanders
Campbell	Figures		

—21

Nays:

Senators:	Cabaniss	Hale	Preuitt
Amari	Dial	Hand	Smith (B)
Barron	Dixon	Manley	Smith (J)
Bedsole	Ellis	Mitchem	

—14

Senators Corbett and Foshee offered the following substitute for the Bill, S. B. 484, to-wit:

SUBSTITUTE FOR S. B. 484

**A BILL
TO BE ENTITLED
AN ACT**

To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of the State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Sections 29-2-2, 29-2-3 and 29-2-4 Code of Alabama 1975, so as to further provide for the membership, election and duties of the Permanent Joint Legislative Highway Committee. To further amend Section 36-7-21 Code of Alabama 1975, to provide for payment and approval for out of state travel for the State Highway Commission and employees of the State Highway Department. To further amend Section 36-15-21 Code of Alabama 1975, to provide for the employment of attorneys to represent the State Highway Department.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, wherever they appear in this act, unless the context clearly indicates otherwise, shall have the following meanings:

(A) COMMISSION—Alabama State Highway Commission as established in this act.

(B) DIRECTOR—the director of the Alabama State Highway Department.

(C) “Disadvantaged business enterprise” means any disadvantaged business concern as defined in Section 1207 (a) (1), (2), and (3) of Public Law 99-661, set out as a note under Section 2301 of Title 10 of U.S.C.A., which is organized to engage in commercial transactions, which is domiciled in Alabama, and which is at least 51 percent owned by disadvantaged persons and whose management and daily operations are controlled by such persons. A disadvantaged business enterprise may primarily involve the practice of a profession.

(D) “Disadvantaged person” means a lawful permanent resident of Alabama who is:

1. A black American, a person having origins in any of the black racial groups of Africa.

2. A Hispanic American, a person of Spanish or Portuguese culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

3. An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

4. A Native American, a person who is a member of, or is eligible to be a member of, a federally recognized Indian tribe. A “federally recognized Indian tribe” means an Indian Tribe, Band, Nation, Rancheria, Pueblo, Colony, or other organized group or community, including any Alaska Native Village, which is recognized by the secretary of the interior on the effective date of this act as having special rights and is recognized as eligible for the services provided by the United States to Indians because of their status as Indians, and any tribe that has a pending application for federal recognition on the effective date of this act.

5. A Native Hawaiian, a person any of whose ancestors were native of the area which consists of the Hawaiian Islands prior to 1778.

6. A physically disabled person, a person who has a physical impairment, defect, disease, ailment, or disability of a permanent nature which in any way limits the type of employment for which the person would otherwise be qualified.

Section 2. It is the intent and purpose of this act to establish a State Highway Commission to administer all duties and obligations set out by the Constitution of the State of Alabama 1901 as amended and the Code of Alabama 1975, to the State Highway Department. It is the intent of this act that all duties heretofore granted to the office of the governor by the legislature as related to the State Highway Department be vested in the State Highway Commission.

Section 3. State Highway Commission.

Composition, terms of office, appointment of members, filling of vacancies, officers, meetings, compensation of members.

(A) There is hereby created a State Highway Commission. The State Highway Commission shall be composed of one member appointed from each congressional district of the State and two members appointed from the State at large. The members shall be appointed as follows:

1. Each House and Senate member of the Permanent Joint Legislative Highway Committee shall jointly appoint one member of the State Highway Commission from the congressional district represented by such House and Senate member. The member appointed to the State Highway Commission shall be a permanent resident from the congressional district from which he is appointed.

2. The Lieutenant Governor shall make one appointment to the commission from a list of three names submitted to the Lieutenant Governor by the governing body of the Association of County Commissions of Alabama or its successor organization, and he shall make one appointment from a list of not more than three names submitted by the Alabama Senate Black Caucus Committee. The Speaker of the House of Representatives shall make one appointment to the commission from a list of three names submitted to the speaker by the Alabama League of Municipalities, and he shall make one appointment from a list of not more than three names submitted by the Alabama House of Representatives Black Caucus Committee. If no lists are submitted as provided in this subsection, the Speaker and the Lieutenant Governor shall each appoint members of the State Highway Commission from the state at large. In addition to the above appointments, the Lieutenant Governor and Speaker shall each make one appointment to the commission from the state at large.

3. The appointment of the members of the State Highway Commission shall be made within the first ten (10) calendar days of the first Regular Session of the Legislature following the general election of the members of the Legislature. Such appointments shall be submitted to the Senate for confirmation no later than the tenth (10) legislative day of the first Regular Session of the legislature.

4. The names of the members of the commission shall be submitted to the Senate for reconfirmation during the first ten legislative days of the regular session of the legislature during the third year of that member's term of office. Unless the member is rejected by the Senate, such member shall continue to serve the remainder of his six year term as provided by subsection five (5) of this section.

5. The terms of the members of the State Highway Commission shall be six (6) years, except as provided in Section 22 of this act. The members shall serve until his successor is duly appointed as provided in Subsection "3" of this Section. No member of the commission shall serve more than three (3) consecutive six (6) year terms.

6. No person who serves as a member of the commission shall be eligible, except as provided in this subsection, to qualify as a candidate in any state or federal elective office nor to hold any such office, except as provided in this subsection, during the time he serves as a member of the commission and for a period of twelve (12) months after the date

he ceases to serve as a member of the commission. However, nothing contained in this subsection shall prevent a member of the commission from being appointed to any other office nor disqualify him from running in any election to succeed himself in any office to which he was appointed nor to hold such office in the event he is elected thereto and otherwise qualified therefor; provided, however, that the member shall resign as a member of the commission before accepting any such appointive office.

7. Should a vacancy occur in the Commission, the unexpired term of the member shall be filled as originally appointed and confirmed during the regular session of the legislature next following the creation of the vacancy.

(B) The State Highway Commission by a majority vote of the members shall elect a Chairman and Vice Chairman who shall serve at the pleasure of the Commission. The Chairman shall preside over the Regular and Special meetings of the Commission.

1. The Chairman shall have the power to appoint a Secretary who need not be a member of the Commission. The Vice-Chairman shall perform such duties as prescribed by the Commission including but not limited to presiding over the Commission in the absence of the Chairman.

(C) The State Highway Commission shall meet in Regular Session once a month at the State Highway Department Main Office located in Montgomery, Alabama. The Commission shall meet at such other special meeting or meetings as called by the Chairman of the Commission or by a majority of the members of the commission as may be deemed reasonable and proper to transact business in the best interest of the Department. A majority of the members of the Commission shall constitute a quorum for the transaction of business. Except as otherwise provided by law, any power of the Commission may be exercised by a majority vote of those members present and voting at any meeting at which there is a quorum.

(D) The members of the Commission shall receive no salary. Members shall receive per diem expenses as provided by law for each day of attendance at meetings of the Commission. In addition, each member shall receive reimbursement of actual expenses incurred while engaged in the furtherance of the business of the Commission. Such per diem and expenses shall be paid from the funds of the Department upon presentation, by the members, of vouchers approved by the Chairman and signed by the Secretary of the Commission.

(E) Each member of the Commission shall execute a bond to the State of Alabama in an amount set by the Permanent Joint Highway Committee and approved by the Chairman of said committee for the faithful performance of his duties.

Section 4. Powers of the Commission

The commission shall be charged with the general control and supervision of the department. In the exercise of such general control and supervision the Commission shall have such duties, powers and authorities as expressly vested in it by this act, including but not limited to:

(A) Approval of Construction Contracts.

(B) Approval of all long-range plans and programs of the department.

(C) It shall be the duty of the State Highway Commission to insure that disadvantaged business enterprises, as defined by the Federal Highway Administration, and this Act, shall participate in contracts not funded, in whole or in part, by Federal funds at least to the same extent as required by the current Federal Aid Highway Act.

(D) It shall be the duty of the State Highway Commission to insure that disadvantaged business enterprises, as defined by the Federal Highway Administration, and this Act, shall participate in the issuance of bonds by the authorities established by this Act, at least to the same extent as required by the current Federal Aid Highway Act for contracts.

Section 5. Highway Director—appointment, term, vacancy.

(A) The chief executive officer of the Highway Department shall be known as the Highway Director, who shall be appointed by a majority vote of the total members of the Commission. The Director shall serve at the pleasure of the Commission. All powers, authority and duties vested in the Highway Department by law and not reserved by law in the State Highway Commission shall be executed by the Highway Director.

(B) The Director shall devote full time and attention to his duties. He shall be a resident of the State of Alabama for a period of five (5) years next preceding his appointment as Director. He shall maintain a full-time residency within Montgomery County, Alabama, during his term as Director.

(C) The Director shall be compensated in an amount not more than Ninety Thousand (\$90,000.00) Dollars per annum. He shall serve in the unclassified service of the state and shall be entitled to all privileges and responsibilities of state merit system employees.

(D) Prior to assuming the duties of his office, the Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount fixed by the Commission for the faithful performance of his duties.

(E) In the event of a vacancy in the office of Director, the Deputy Director designated by the Commission shall become acting director until such time as the Commission at any regular or called meeting appoints a new director to fill the position of Director.

Section 6. Appointment, Duties and Qualifications of Deputy Director.

(A) The Director shall have authority to appoint a Deputy Director of the Department. The appointment shall be subject to the approval of the Commission to serve at the pleasure of the Director. Prior to assuming the duties of the office, the Deputy Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount to be fixed by the Commission for the faithful performance of his duties.

(B) The Deputy Director may exercise to the extent permitted by law, only such power and duties of the Director as have been previously assigned to him by the Director. If a vacancy shall occur in the office of the Director, the Deputy Director shall assume all the power and duties of the Director upon approval of the Commission, to be exercised until such time as a successor to the Director has been appointed as provided by law.

(C) The Deputy Director shall be a resident of the State of Alabama for a period of three (3) years next preceding his appointment.

(D) The salary of the Deputy Director shall not be less than Twenty Thousand (\$20,000.00) Dollars less than the salary set for the state highway

director. He shall serve in the unclassified service of the state and shall be entitled to all privileges and responsibilities of state merit system employees.

Section 7. Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150, 23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, Code of Alabama 1975, to be amended to read as follows:

“§23-1-20.

There shall be a state highway department. The administration and control of the department shall be vested in the state highway commission.”

“§23-1-21.

The chief executive officer of the highway department shall be known as the highway director, who shall be appointed by the governor state highway commission and shall hold office at the pleasure of the governor state highway commission. All the powers, authority and duties vested in the highway department shall be exercised by the highway director.

Before entering upon the duties of his office, the highway director shall execute to the state of Alabama a bond, to be approved by the governor state highway commission, in an amount to be fixed by the governor state highway commission, for the faithful performance of his duties.”

“§23-1-22.

(a) There is hereby created within the state highway department the position of chief engineer, which shall be filled by appointment by the highway director, with the approval of the governor state highway commission. ~~Such appointment shall also be subject to approval by the state board of registration for engineers and land surveyors.~~ The salary of the chief engineer shall be as determined pursuant to chapter 6 of Title 36 of this Code, and he shall be allowed traveling expenses when traveling on business of the state pursuant to article 2 of chapter 7 of Title 36, all to be paid from funds of the state highway department as salaries and expenses of other state highway department employees are paid. The chief engineer shall give bond for the faithful performance of his duties in an amount to be approved by the governor state highway commission.

(b) The chief engineer shall serve under the direction of the highway director and otherwise be entitled to all the privileges and responsibilities as other merit system employees, ~~and his service and removal shall be subject to the state merit system regulations.”~~

“§23-1-32.

The highway department shall be provided with suitable offices at the state capitol or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the governor state highway commission in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the highway department. The state highway director shall give his entire time to the duties of his office.”

"§23-1-35.

On or before April 1 in each year, the highway department shall submit a printed report to the governor state highway commission, stating as nearly as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the governor state highway commission and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor state highway commission and the legislature.

"§23-1-37.

The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing or maintaining public roads or bridges by contract or agreement with the department of corrections as to the number of convicts required to do such work; provided, that the charge for labor of such convicts shall be in accordance with the terms of the contract which shall be negotiated by and between the director of the state highway department and the department of corrections, with the approval of the governor state highway commission, and no other expense incurred by the use of such convicts shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed."

"§23-1-40.

(a) It shall be the duty of the highway department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and it shall have authority to make contracts or agreements to construct or pave the roadway only of the street or streets which will serve to connect the state highway constructed or repaired by the highway department within any municipality in the state of Alabama.

(b) In such municipalities in which the highway department has not designated the street or streets which are a part of the state highways constructed or repaired by the highway department, it shall be the duty of the highway department to designate such street or streets. The highway department may also cooperate or contract with any municipality or county in the paving or improving of any street or streets, highway or highways or walkway or walkways upon which a state educational or eleemosynary institution, or the property thereof, may front or abut; provided, that where said state educational or eleemosynary institution or the property thereof fronts or abuts on both sides of such street or streets, highway or highways or walkway or walkways, the highway department is hereby authorized to and shall expend an amount of money sufficient to cover the entire cost thereof; provided further, that where such institution or the property thereof fronts or abuts on only one side of such street or streets, highway or highways or walkway or walkways, the said department shall expend an amount of money sufficient to cover only one half of the cost thereof; provided, that in such case, with the special approval of the governor state highway commission, said department shall be authorized to expend a sum of money

sufficient for the entire cost and, provided further, the said department may also, with the special approval of the ~~governor~~ state highway commission, improve or pave any street or streets, driveway or driveways, including curb and gutter, and walkway or walkways on, by or through the grounds upon which a state educational or eleemosynary institution is located and to pay the entire cost thereof.

(c) The highway department shall cause to be made and kept in its office a general highway map of the state which shall show all state roads.

(d) The highway department shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the state.

(e) The highway department shall investigate and determine the methods of road construction best adapted to the various sections of the state and shall establish standards for the maintenance of roads and bridges which have been constructed with state aid.

(f) The highway department may, at all reasonable times, be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts, and the department may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same.

(g) The highway department shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the state where the funds of the state are used and shall have a general supervision over the expenditure of any funds apportioned to any county of the state for the construction and maintenance of all public roads, bridges and culverts in each county."

"§23-1-41.

(a) The highway department is authorized and empowered and may, with the approval of the ~~governor~~ state highway commission provide for a self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen's Compensation Act of this State. The director of the highway department may, with the approval of the ~~governor~~ state highway commission, enter into an agreement with an agency, company or corporation qualified to administer a self-insured Workmen's Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the ~~governor~~ state highway commission, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.

(b) The provisions of the 1981 amendments to this section shall be retroactive to February 1, 1980.

(c) Notwithstanding the provisions of subsection (b) of this section, any reinsurance policies which are in effect as of May 17, 1981, shall continue in force until September 30, 1981."

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“§23-1-42.

(a) The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals, the Partlow State School and Hospital and the Alabama agricultural center in the city of Montgomery shall be deemed a part of the state highway system and may be constructed, maintained and repaired by the state highway department in the same manner as other highways and roads in the state highway system.

(b) The state highway department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this section, provided such expenditure is first approved by the governor state highway commission.”

“§23-1-54.

Every contract for road or bridge construction, repair or maintenance under the provisions of this chapter shall be made in the name of the state of Alabama, approved by the highway department and the governor state highway commission.”

“§23-1-55.

No contracts for construction, repair or renewals of highways, bridges or culverts shall be let without the approval of the governor state highway commission and until after all necessary right-of-way for such highways and right for material for construction and right-of-way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the department.”

“§23-1-58.

Neither the director, nor any member of the state highway commission, nor any deputy highway director, nor any other person in the employ of the highway department shall be, either directly or indirectly, interested in any contract or agreement for the construction or maintenance of any road or bridge in this state or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this state.”

“§23-1-61.

There is hereby appropriated to the highway department for its use the entire net revenue derived by the state from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the highway department shall be expended and accounted for as provided in this article. Said state highway fund shall be paid out of the treasury on the comptroller's warrant drawn upon presentation to him of the certificate of the highway department approved by the governor state highway commission.”

“§23-1-150.

It is the intention of the legislature by the passage of this article to authorize the incorporation of ~~the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor of Alabama,~~ the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives for the

purpose of constructing public roads and bridges, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized, to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose and to appropriate and pledge funds for the use of such corporation. This article shall be liberally construed in conformity with the said purpose."

"§23-1-151.

~~The director of finance chairman of the state highway commission, the highway director, the attorney general, the state treasurer, the lieutenant governor and the speaker of the house of representatives and the executive secretary to the governor~~ may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-152.

To become a corporation, ~~the director of finance, the highway director, the attorney general, the state treasurer and the executive secretary to the governor, the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-154.

The applicants named in the application, and their respective successors in office, shall constitute the members of the corporation. ~~The director of finance chairman of the state highway commission~~ shall be the president of the corporation, ~~the executive secretary to the governor~~ lieutenant governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of the said board of directors

shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as ~~director of finance, highway director, attorney general, state treasurer or executive secretary to the governor, chairman of the state highway commission, lieutenant governor or speaker of the house of representatives~~, as the case may be, expire, or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-156.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. The corporation shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may in its opinion be proper and suitable for the protection of said roads, bridges, approaches and appurtenances and for the safety of the traveling public. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-157.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds; provided, that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon.

(b) Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years

after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this article shall be limited to \$50,000,000.00, but the said limitation shall not apply to refunding bonds which may be issued under this article and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this article by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing during any fiscal year of the state of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be, including bonds issued under this article and any other bonds of the corporation, exceeds 50 percent of the sum of, in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one ninth of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the corporation is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this article and then outstanding.

(f) Approval by the governor of Alabama state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of

the state highway commission may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him.

(g) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation under this article shall not be general obligations of the corporation, but shall be payable solely out of the funds appropriated and pledged therefor.

(h) As security for the payment of the principal of and interest on any bonds issued by it under this article the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state of Alabama. Bonds issued by the corporation under this article shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article.

(i) All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(j) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the corporation.

(k) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

"§23-1-158.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, in the state of Alabama, including the acquisition of property necessary for such construction and incidental and related work; provided, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance

shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-170.

It is the intention of the legislature by the passage of this article to authorize the incorporation of a public corporation for the following purposes:

(1) To issue bonds to assure the availability of funds for payment of the state's share of the cost of constructing roads and bridges as shall from time to time be constructed with funds supplied jointly by the state and federal government; and

(2) To construct and maintain, or participate in the construction and maintenance, or lend its aid in construction and maintenance or contract for construction and maintenance of roads and bridges in the state of Alabama, as well as the approaches thereto, including the reconstruction and relocating of approaches, causeways and like or other highway facilities which may, from time to time, be constructed and maintained with funds to be supplied jointly by the state and federal government, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose, and to appropriate and pledge funds for the use of such corporation.

All construction and maintenance referred to in this section shall be done under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction and maintenance under its general powers, subject to approval by the ~~governor~~ state highway commission. This article shall be liberally construed in conformity with the said purposes."

"§23-1-171.

The highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-172.

To become a corporation, the highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway finance corporation;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-174.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the ~~attorney-general~~ lieutenant governor shall be its vice-president, the ~~director of finance~~ speaker of the house of representatives shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, ~~attorney-general or director of finance~~ lieutenant governor or speaker of the house of representatives, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-176.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-177.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons

applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after February 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor of Alabama state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates including but without limitation to the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-178.

The proceeds of all bonds, other than refunding bonds, issued by the corporation remaining after paying the expenses of their issuance shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, including the acquisition of property necessary therefor, in the state of Alabama; provided, that such funds may be used only for payment of the state's share of the cost of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, which have been or will be constructed, reconstructed or relocated under programs financed jointly by the state and the federal government; and provided further, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges, or work incidental or related thereto. The proceeds from the sale of any refunding

bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the ~~director of finance chairman of state highway commission~~, the highway director, the ~~attorney-general lieutenant governor~~, the state treasurer and the ~~executive secretary to the governor of Alabama~~ speaker of the house of representatives for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose."

"§23-1-302.

The ~~director of finance chairman of the state highway commission~~, the highway director, the ~~attorney-general~~ the lieutenant governor, the state treasurer and the ~~executive secretary to the governor~~ speaker of the house of representatives may become a corporation with the powers and authorities provided in this article by proceeding according to the provisions of this article."

"§23-1-303.

(a) To become a corporation, the ~~director of finance chairman of the state highway commission~~, the highway director, the ~~attorney-general lieutenant governor~~, the state treasurer and the ~~executive secretary to the governor~~ speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which will set forth:

- (1) The name, official designation and official residence of each of the applicants;
- (2) The date on which each applicant was inducted in the office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama federal aid highway finance authority;
- (4) The location of the principal office of the proposed corporation; and
- (5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the state of Alabama to take acknowledgments to deeds.

(c) The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-305.

(a) The applicants named in the application and their respective successors in office shall constitute the members of the corporation.

(b) ~~The director of finance chairman of the state highway commission~~ shall be the president of the corporation, ~~the executive secretary to the governor speaker of the house of representatives~~ shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds.

(c) The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of said board of directors shall constitute a quorum for the transaction of business.

(d) Should any of said officials of the state die or should his term of office (as ~~director of finance chairman of the state highway commission, highway director, attorney general lieutenant governor, state treasurer or executive secretary to the governor~~ speaker of the house of representatives, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation.

(e) No member, officer or director of the corporation shall draw any salary in addition to that now authorized by law for any service he may render or any duty he may perform in connection with the corporation.

(f) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-310.

Obligations of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the ~~governor of Alabama state highway commission~~ of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the ~~governor chairman of the state highway commission~~, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

“§23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance, shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the governor state highway commission, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded.”

“§23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the governor state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the

authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state."

Section 8. Sections 23-2-143, 23-2-144 and 23-2-161, Code of Alabama 1975, are hereby amended to read as follows:

"§23-2-143.

(a) There is hereby established a body corporate and politic with corporate succession, to be known as the "Alabama toll road, bridge and tunnel authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the authority of the powers conferred by this article shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of the ~~governor~~ chairman of the state highway commission, the lieutenant governor, the speaker of the house of representatives, the highway director, one member of the senate to be appointed by the lieutenant governor, one member of the house of representatives to be appointed by the speaker of the house and one person from the state at large to be appointed by the ~~governor~~ chairman of the joint legislative highway committee.

(c) The ~~governor~~ chairman of the state highway commission shall be chairman of the authority. The authority shall elect a secretary and a treasurer who need not be members and may be one and the same person. Four members of the authority shall constitute a quorum and the concurrence of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Should any of the said officials of the state die or should his term of office, as such official, expire, or should he resign therefrom, his successor in office shall take his place as a member or officer of the authority. Any vacancy in the appointed membership of the authority shall be filled in the same manner as the original appointment was made.

(d) If the secretary and treasurer are not members of the authority, before the issuance of any toll road, bridge or tunnel revenue bonds under the provisions of this article, the secretary shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, which shall be sufficient if he be secretary also. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of secretary or treasurer, as the case may be, to be executed by a surety company authorized to transact business in

the state of Alabama as surety, and to be approved by the ~~governor~~ state highway commission and filed in the office of the secretary of state. The cost of such bonds shall be borne by the authority.

(e) The members of the authority shall serve without compensation. The appointed members shall receive reimbursement for their expenses when actively engaged on the authority's business, such expenses to be paid in accordance with article 2 of chapter 7 of Title 36."

"§23-2-144.

The authority shall have the following powers:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain a principal office and branch offices at such place or places within the state as it may designate;
- (4) To sue and be sued in its own name, including suits in tort;
- (5) To acquire and construct toll road, bridge or tunnel projects at such locations as the authority may determine to be desirable, practicable and economically feasible and to maintain, repair and operate such projects;
- (6) To issue toll road, bridge or tunnel revenue bonds of the authority for any of its corporate purposes, payable solely from its tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this article. No bonds issued under the provisions of this article shall constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and neither the state nor any political subdivision thereof shall ever pay or agree to pay any portion of the same, but such bonds shall be payable solely from the funds pledged or available for their payment as authorized in this article. All such toll road, bridge or tunnel revenue bonds shall contain on the face thereof a statement to the effect that the authority is obligated to pay the same or the interest thereon only from its tolls or other revenues and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal thereof or the interest thereon;
- (7) To fix and revise from time to time, charge and collect tolls for transit over or through toll road, bridge and tunnel projects constructed by it;
- (8) To establish rules and regulations for the use of any project;
- (9) To acquire, hold and dispose of real and personal property;
- (10) To acquire in the name of the authority, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of Title 18, and other provisions of law, insofar as the same may be applicable, any land and other property or any easement or interest therein, which

it may determine is reasonably necessary for any toll road, bridge or tunnel project or for its protection and preservation, or for the construction, relocation or reconstruction of any access highway, street or road; and to acquire by purchase or by condemnation, land necessary for drainage ditches, clay, sand and gravel pits, and lime and stone quarries, together with any other material of every character that may be necessary in the construction and maintenance of toll road, bridge or tunnel projects and access highways and roads;

(11) To designate points of ingress to and egress from each toll road, bridge or tunnel project and to prohibit entrance to and exit from such project at any point or points not so designated;

(12) To make and enter into contracts and agreements necessary for, or incidental to, the performance of its duties and the execution of its powers under this article, including contracts and agreements for professional services deemed necessary for such purposes by the authority;

(13) To appoint managers, superintendents, tolltakers and such other employees and agents as may be necessary, in its judgment, to the efficient accomplishment of the purposes of this article;

(14) To receive and accept from any federal agency, subject to the approval of the ~~governor~~ state highway commission, grants for, or in aid of, the construction of any project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(15) To provide coverage for its employees under the provisions of chapter 5 of Title 25, and the federal Social Security Act; and

(16) To do all acts and things necessary or convenient to carry out the powers granted in this article."

"§23-2-161.

The state highway department is hereby authorized, subject to the approval of the ~~governor~~ state highway commission, to expend out of any funds available to it such moneys as may be necessary for the study of any proposed toll road, bridge or tunnel project authorized under this article and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting the study. All such expenses incurred by the department prior to the issuance of revenue bonds under the provisions of this article shall be paid by the department and charged to the appropriate project or projects and the department shall keep proper records and accounts showing each amount so charged.

Upon the sale of toll road, bridge or tunnel revenue bonds for a toll road, bridge or tunnel project, the funds so expended by the department in connection with a project shall be reimbursed by the authority to the department from the proceeds of such bonds and thereafter all expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article.

Nothing in this article shall be construed so as to authorize the authority to incur indebtedness or liability on behalf of or payable by the state or by any of its political subdivisions."

Section 9. Sections 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8 and 23-6-9, Code of Alabama 1975, are hereby amended to read as follows:

“§23-6-2.

It is the intention of the legislature by the passage of this chapter to authorize the incorporation of a public corporation for the following purposes:

To issue bonds to assure the availability of funds for payment of the cost of constructing industrial access roads and bridges as shall from time to time be constructed;

To construct industrial access roads and bridges through a corporation to be composed of the officials whose incorporation is hereby authorized;

To vest such corporation with all powers, authorities, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose; and

To appropriate and pledge funds for the use of such corporation. All construction herein referred to shall be performed by or under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction under its general powers, subject to approval by the ~~governor~~ state highway commission. This chapter shall be liberally construed in conformity with the said purposes.”

“§23-6-3.

The highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ may become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions of this chapter.”

“§23-6-4.

To become a corporation, the highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ shall present to the secretary of state of Alabama an application signed by them which shall set forth:

- (1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;
- (2) The date on which each applicant was inducted into office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama Industrial Access Road and Bridge Corporation;
- (4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and
- (5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgements to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements

of this section, he shall receive and file it and record it in an appropriate book of records in his office.

“§23-6-6.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the state treasurer shall be its vice-president, the ~~director of finance~~ chairman of the state highway commission shall be the secretary of the corporation, and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, state treasurer, or ~~director of finance~~ chairman of the state highway commission, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified.”

“§23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$25,000,000.00, excluding refunding bonds, which shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the ~~governor~~ state highway commission

shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor state highway commission of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be (but is not required to be) shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

"§23-6-9.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be

turned into the treasury, shall be carried in a special industrial access road and bridge construction account, and shall be available to be drawn upon by the corporation, upon the approval of the state highway department and the ~~governor~~ state highway commission, but solely for the purpose of constructing, reconstructing and relocating industrial access roads and bridges and work incidental or related thereto, including the acquisition of property necessary therefor. Moneys on deposit in the industrial access road and bridge construction account shall be invested by the state treasurer at the direction of the corporation in permitted investments which mature at such time or times as the corporation shall direct. Net interest income earned from the investment of bond proceeds deposited into the industrial access road and bridge construction account shall be deposited as received by the state treasurer into the state public road and bridge fund to be used for state highway purposes.

The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the corporation, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in section 23-6-10 of this chapter, shall no longer be obligations of the corporation and shall be secured solely by and payable from moneys and government securities deposited in such trust or escrow fund. All contracts of the corporation for the construction, reconstruction and relocation of industrial access roads and bridges, work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be acquired in the name of the state or shall be forthwith conveyed to the state. All roads and bridges constructed by the corporation shall constitute part of the public highway and street system of the state.

There is hereby appropriated so much of the bond proceeds as may be necessary for the construction of industrial access roads and bridges in the state."

Section 10. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-91.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to

the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose: When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members ~~appointed by the governor~~, one to be appointed by the lieutenant governor and one ~~to be appointed by the speaker of the house of representatives~~, and the chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities. County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1),

as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the ~~governor~~ state highway commission funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any

securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 11. Section 9-6A-8, Code of Alabama 1975, is hereby amended to read as follows:

"§9-6A-8.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing

obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

Section 12. Sections 29-2-2, 29-2-3 and 29-2-4, Code of Alabama 1975, are hereby amended to read as follows:

"§29-2-2.

A. There is hereby created a continuing permanent joint highway committee of the legislature to be known as the "joint highway committee." The said committee shall consist of ~~seven~~ fourteen members of the senate ~~appointed~~ elected by the ~~president~~ of the senate and ~~seven~~ fourteen members of the house of representatives ~~appointed~~ elected by the ~~speaker~~ of the house of representatives, ~~one~~ two senators and ~~one~~ two house members to be a resident of each present United States congressional district in the state. Members of the joint highway committee shall be ~~appointed~~ elected within five legislative days after the convening of the ~~first regular~~ organizational session after the election of each legislature. Members shall hold office during their terms as legislators and until their successors are ~~appointed~~ elected. Vacancies shall be filled by ~~appointment~~ election by the respective ~~presiding officer~~ House or Senate. Such ~~appointees~~ members shall be residents of the congressional district where the vacancy exists. There shall be a minimum of two black members of the committee elected from the house and two black members of the committee elected from the senate.

B. The members of the joint highway committee shall be elected immediately following the effective date of this Act. Members elected shall hold office until their present term as legislator expires and until their successors are elected as provided in this section "A".

"§29-2-3.

Within 10 days after members of the joint highway committee are ~~appointed~~ elected as provided in this article, the committee shall convene at a place and time designated by the president of the senate in written notice given to each member at least five days in advance or without notice upon unanimous consent of the members of the joint highway committee. At said meeting, and at the initial meeting during each session of the legislature, the joint highway committee shall elect from its membership a chairman and vice-chairman. The joint highway committee shall meet, at the request of its chairman or as its members shall determine, in both cases

upon written notice at least five days in advance or without notice upon unanimous consent of its membership; provided, that said committee shall meet at least once each three months. Decisions of the joint highway committee may be made by a majority of the members present and voting at any meeting as long as a quorum is in attendance. A quorum shall consist of any ~~eight~~ fifteen members. If less than a quorum is present at any meeting or any adjournment thereof, those members who are present may adjourn such meeting from time to time and a majority vote of such members present shall be sufficient, without any notice other than by announcement at the meeting, to adjourn the meeting from time to time until a quorum is in attendance. At any such adjourned meeting, any business may be transacted that might have been transacted at the meeting as originally called.

“§29-2-4.

The powers and duties of the joint highway committee shall be the following:

(1) It shall review a long-range (20-year) highway plan for proposed highway construction and modification of all highways falling under jurisdiction of the highway department, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1976. The said plan shall be updated annually; and after expiration of the first 20-year period, it shall recommend subsequent long-range plans for each subsequent period of 20 years. The said plans in appropriate form shall be made available to all government agencies and all members of the public and news media.

(2) It shall review priorities of all highway construction and modification projects falling under the jurisdiction of the highway department and review proposals for highway construction and modification for each fiscal year of the state.

(3) It shall review the budget for highway construction, modification, maintenance, operation and administration of the highway department on an annual basis, which budget shall be reviewed not later than the fifteenth legislative day of each annual session of the legislature.

(4) It shall issue a report to the ~~governor~~, lieutenant governor, house of representatives, senate and public within the first 10 legislative days of each annual regular legislative session, comparing actual performance of the highway department in terms of highway construction, modification, maintenance and costs of the same, to the original plan for the immediate preceding fiscal year.

(5) It shall recommend to the ~~governor~~ legislature necessary funding for highway department budgets to the extent necessary beyond funds already provided by law.

(6) It may retain the services of outside consultants, if necessary, and consult with other groups and individuals, including public interest groups, interested individuals and appropriate departments of the University of Alabama, Auburn University and other state institutions.

(7) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state and shall file all reports of its findings and recommendations with both houses of the legislature and with the ~~governor~~ state highway commission.

(8) It shall have the power to call witnesses and do all things necessary or convenient in connection with and all things incidental to performance of the foregoing its duties and powers as provided by law.

(9) In performing its functions, the joint highway committee shall take into consideration, in determining plans for highway construction, modification and maintenance, among other factors:

- a. Commuter benefits in the form of direct savings to working men and women traveling to and from their jobs in the state;
- b. Industrial and agricultural growth;
- c. Highway safety;
- d. Ecological impacts of highway projects;
- e. Recreation and tourism; and
- f. Traffic density."

Section 13. Sections 32-5A-171, 32-5A-172, 32-5A-173 and 32-5A-174, Code of Alabama 1975, are hereby amended to read as follows:

"§32-5A-171.

Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5).

(3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5) hereof.

(4) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized ~~by the governor~~ under authority granted in subdivision (5).

(5) The ~~governor~~ state highway commission is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

"§32-5A-172.

Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs."

"§32-5A-173.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

(1) Decreases the limit at intersections;

(2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the ~~governor~~ state highway commission under subdivision (4) of section 32-5A-171;

(3) Decreases the limit on any street or highway under the jurisdiction and control of any county commission; or

(4) Increases the limit on any street, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under section 32-5A-171.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour."

"§32-5A-174.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the governor state highway commission, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs."

Section 14. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"§32-9-1.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the highway director and final approval by the governor state highway commission. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof."

Section 15. Section 33-16-9, Code of Alabama 1975, is hereby amended to read as follows:

“§33-16-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts (other than contracts of the type described in the next succeeding paragraph) shall not at any time exceed the sum of:

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature; and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-16-12.

No contract which is subject to the foregoing restriction and which involves the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

The restriction set forth in the preceding paragraph shall not apply to any contract between the authority and the United States, or an agency thereof, pursuant to which the authority agrees to satisfy the requirements of local contribution and participation with respect to a project related to the development of the waterway. Prior to the execution of any such contract between the authority and the United States, or an agency thereof, the board of directors of the authority shall adopt a resolution approving such contract, which resolution shall include a determination that the moneys expected to be available to the authority for the payment of its monetary obligations (if any) under such contract will be sufficient to pay such monetary obligations.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department and shall be subject to approval by the ~~governor and by the highway department~~ state highway commission. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

In connection with the construction, reconstruction or relocation of highways, roads and bridges, and the acquisition of property necessary therefor, the authority may enter into contracts with the United States, or

an agency thereof, pursuant to which the work related to any such construction, reconstruction or relocation shall be performed, and any property necessary therefor shall be acquired, by the United States, or an agency thereof, or by one or more contractors selected by the United States, or an agency thereof. Any such contract between the authority and the United States, or an agency thereof, shall not be subject to the requirements and restrictions (including, without limitation, the requirements with respect to competitive bidding) set forth in the two immediately preceding paragraphs of this section."

Section 16. Section 33-16-10, Code of Alabama 1975, is hereby amended to read as follows:

"§33-16-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless the ~~governor and the~~ director, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 17. Sections 33-17-9 and 33-17-10, Code of Alabama 1975, are hereby amended to read as follows:

"§33-17-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-17-12.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary

therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

"§33-17-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor~~ and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 18. Section 40-12-270, Code of Alabama 1975, is hereby amended to read as follows:

"§40-12-270.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds," shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 shall be remitted by the judge of probate to the state treasurer who shall distribute said amounts as follows:

a. 64.75 percent of said amounts shall be distributed by the state treasurer among the 67 counties as follows:

b. 35.25 percent of said amounts shall be apportioned and distributed by the state treasurer among the 67 counties as follows:

1. A portion of the counties' share of the net tax proceeds that is equal to 42.16 percent of the total net tax proceeds distributed to counties

under paragraph (a)(1)b of this section, shall be allocated equally among the 67 counties of the state.

2. The entire residue of the counties' share of the net tax proceeds, being an amount equal to 57.84 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made monthly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the

then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective on October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

(1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for the payment of expenses of the state department of revenue in the collection of the said taxes and fees, including salaries, cost of tags and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269;

(2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:

a. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;

c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and

d. Payment at their respective maturities of the principal of and interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the Constitution and laws of the said state, and for which the said net proceeds referred to in this subdivision (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in an authorizing resolution thereunder; and

(3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivisions shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

(e)(1) All moneys received by a municipality or county under this section, except that portion of the said moneys that constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section, shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

(2) All moneys received by a county under this section which constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section shall be used by such county for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of the chief of the bureau of secondary roads of the state highway department, two county engineers appointed by the state highway director and two county commission members, ~~appointed by the governor~~ one county commission member appointed by the lieutenant governor and one county commission member appointed by the speaker of the house of representatives. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after June 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days' notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the inspection fee distributed under section 8-17-91, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224 and may use the proceeds so deposited for any purpose authorized under said section.

"§36-7-21.

Persons traveling in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies, except such institutions of higher learning as are under the control of a board of trustees and Alabama State University, outside the state of Alabama shall be allowed all of their actual and necessary expenses in addition to the actual expenses for transportation; provided that such travel shall have first been fully authorized in writing by the governor; provided further, that with respect to the highway commission, members of the commission, the highway director, the deputy highway director and the employees of the highway department, such travel shall be authorized in writing by the chairman of the state highway commission for the members of the highway commission and the highway director and authorized in writing by the highway director for the deputy highway director and the employees of the department; provided further, that with respect to the legislative department, members of the legislature, subordinate officers and employees of the legislature and the directors and employees of the legislature and the directors and employees of the legislative departments (legislative reference service, legislative fiscal office and examiners of public accounts), such travel shall be authorized in writing by the lieutenant governor for the lieutenant governor and members of the senate, by the speaker of the house, for the speaker of the house and members of the house of representatives, by the secretary of the senate or the clerk of the house for subordinate officers and employees of the legislature and by the directors for the directors and employees of the legislative departments; and with respect to the judicial department, the officers and employees thereof, such travel shall be authorized in writing by the chief justice. Persons representing the excepted institutions of higher learning shall receive authority for out-of-state travel from the presidents of said institution. Persons representing the state department of agriculture and industries shall receive authorization for out-of-state travel from the commissioner of agriculture and industries. The provisions of this section shall not apply to examiners or other persons designated by the commissioner of insurance to examine or cause to be examined insurance corporations qualified or attempting to qualify in this state when the expense incurred by such examiner shall be paid by or collected or received from such insurers or persons examined under the provisions of section 27-2-25.

"§36-15-21.

A. All litigation concerning the interest of the state, or any department thereof, shall be under the direction and control of the attorney general, and the employment of any attorneys for the purpose of representing the state or any department thereof shall be by the attorney general with the approval of the governor, except as provided herein, but nothing in this section shall prevent the governor from employing personal counsel, whose compensation shall be payable out of the governor's contingent fund.

B. All litigation concerning the interest of the state highway department shall be under the direction and control of the state highway commission. The employment of all attorneys for the purpose of representing the state highway department shall be by the attorney general with the approval of the state highway director.

Section 20. Sections 40-17-78 and 40-17-224, Code of Alabama 1975, are hereby amended to read as follows:

“§40-17-78.

Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts and for such other public road and bridge purposes in the state as may be authorized by the highway department with the approval of the ~~governor~~ state highway commission;

(2) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in section 40-17-75;

(3) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.”

“§40-17-224.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective

system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures, and if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this article shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90 percent of the county's paved road system has achieved a grade of 85 percent based on the state of Alabama highway department's annual maintenance report of county roads and bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

Section 21. Section 41-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§41-4-16.

(a) ~~No bonds or other evidences of indebtedness of any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto, any housing authority, any state rural electrification authority, any electric membership corporation, any power district or any improvement authority shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as~~

are necessary to fully advise such department of the nature of the proposed project, and said petition shall include such other information as may be required by the rules of the department. The department of finance shall grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or anyone to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the department in obtaining its consent thereto. The provisions of this section shall not apply to any bonds or other evidence of indebtedness issued by any municipality, or any agencies, bureaus or commissions thereof."

(b) The provisions of this section shall not apply to any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto.

Section 22.

(a) Following the effective date of this act the members of the state highway commission shall be appointed and shall serve as provided in section 3 herein, except as provided below:

1. Within five days following the effective date of this act the members of the commission shall be appointed as provided in sections 3(a)1 and 3(a)2 for the following terms:

(a) The members of the commission elected from congressional districts 1, 2, 3, and 4 shall serve a four year term.

(b) The members of the commission elected from congressional districts 5, 6 and 7 shall serve a six year term.

(c) The members of the commission appointed by the lieutenant governor and the speaker of the house shall serve a two year term.

2. The members of the commission serving under subsection 1 above shall begin to serve on the commission immediately upon election and appointment.

3. Within the first five legislative days of the 1989 session of the legislature the persons elected and appointed under subsection 1 above shall be submitted to the senate for confirmation.

4. Members of the commission elected and appointed under this section shall serve, unless rejected by the senate, or until their successors are duly elected and appointed and confirmed as provided in section 3 herein.

Section 23.

It shall be the duty of the state highway commission and the commission shall have the authority to adopt rules and regulations to carry out the provisions of this act.

Section 24.

The provisions and terms of this act shall in no way affect, change or repeal any contractual obligation entered into on behalf of the state highway department or to which the state highway department is a party prior to the passage and approval of this act.

Section 25.

All laws or parts of laws, special, local, or general which conflict or are inconsistent with this act are hereby repealed, insofar as such laws or parts of laws conflict with or are inconsistent with this act.

Section 26. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 27. The provisions of this act shall be effective immediately upon passage and approval by the governor or its otherwise becoming a law.

Senator Hand offered the following substitute for the Corbett-Foshee substitute, for the Bill, S. B. 484, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 484**A BILL
TO BE ENTITLED
AN ACT**

To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 12-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Sections 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, wherever they appear in this act, unless the context clearly indicates otherwise, shall have the following meanings:

(A) COMMISSION—Alabama State Highway Commission as established in this act.

(B) DIRECTOR—the director of the Alabama State Highway Department.

(C) DEPUTY DIRECTOR—the deputy director of the Alabama State Highway Department.

Section 2. It is the intent and purpose of this act to establish a State Highway Commission to administer all duties and obligations set out by the Constitution of the State of Alabama 1901 as amended and the Code of Alabama 1975, to the State Highway Department.

Section 3. State Highway Commission.

(A) There is hereby created a State Highway Commission. The State Highway Commission shall be composed of one member appointed from each congressional district of the State and two members appointed from the State at large. The members shall be appointed as follows:

1. The Governor shall appoint one member of the State Highway Commission from each congressional district.

Each legislator in each congressional district shall nominate one person and the Governor shall appoint one person from names submitted. Each member shall require Senate confirmation and shall serve from the time of appointment until rejected by the Senate or until his term expires. The member appointed to the State Highway Commission shall be a permanent resident from the congressional district from which he is appointed.

2. The Lieutenant Governor and the Speaker of the House of Representatives shall each appoint one member of the State Highway Commission from the State at Large.

3. The appointment of the members of the State Highway Commission shall be made before the first calendar day of the first Regular Session of the Legislature following the general election of the members of the Legislature. Such appointments shall be submitted to the Senate for confirmation no later than the tenth (10) legislative day of the first Regular Session of the legislature.

4. The terms of the members of the State Highway Commission shall be six (6) years, except as provided in Section 21 of this act. The members shall serve until his successor is duly appointed as provided in Subsection "3" of this Section. No member of the commission shall serve more than two (2) consecutive six (6) year terms.

5. Should a vacancy occur in the Commission, the unexpired term of the member shall be filled as originally appointed and confirmed during the regular session of the legislature next following the creation of the vacancy.

(B) The State Highway Commission by a majority vote of the members shall elect a Chairman and Vice Chairman who shall serve at the pleasure

of the Commission. The Chairman shall preside over the Regular and Special meetings of the Commission.

1. The Chairman shall have the power to appoint a Secretary who need not be a member of the Commission. The Vice-Chairman shall perform such duties as prescribed by the Commission including but not limited to presiding over the Commission in the absence of the Chairman.

(C) The State Highway Commission shall meet in Regular Session once a month at the State Highway Department Main Office located in Montgomery, Alabama. The Commission shall meet at such other special meeting or meetings as called by the Chairman of the Commission or by a majority of the members of the commission as may be deemed reasonable and proper to transact business in the best interest of the Department. A majority of the members of the Commission shall constitute a quorum for the transaction of business. Except as otherwise provided by law, any power of the Commission may be exercised by a majority vote of those members present and voting at any meeting at which there is a quorum.

(D) The members of the Commission shall receive no salary. Members shall receive per diem expenses as provided by law for each day of attendance at meetings of the Commission. In addition, each member shall receive reimbursement of actual expenses incurred while engaged in the furtherance of the business of the Commission. Such per diem and expenses shall be paid from the funds of the Department upon presentation, by the members, of vouchers approved by the Chairman and signed by the Secretary of the Commission.

(E) Each member of the Commission shall execute a bond to the State of Alabama in an amount set by the Permanent Joint Highway Committee and approved by the Chairman of said committee for the faithful performance of his duties.

Section 4. Powers of the Commission

The commission shall be charged with the general control and supervision of the department. In the exercise of such general control and supervision the Commission shall have such duties, powers and authorities as expressly vested in it by this act, including but not limited to:

(A) Approval of Construction Contracts.

(B) Approval of all long-range plans and programs of the department.

Section 5. Highway Director—appointment, term, vacancy.

(A) The chief executive officer of the Highway Department shall be known as the Highway Director, who shall be appointed by a majority vote of the total members of the Commission. The Director shall serve at the pleasure of the Commission. All powers, authority and duties vested in the Highway Department by law and not reserved by law in the State Highway Commission shall be executed by the Highway Director.

(B) The Director shall devote full time and attention to his duties. He shall be a resident of the State of Alabama for a period of five (5) years next preceding his appointment as Director. He shall maintain a full-time residency within Montgomery County, Alabama, during his term as Director.

(C) No former Director of the Highway Department of the State of Alabama shall be eligible to serve as Director of the Highway Department.

(D) The Director shall be compensated in an amount not more than Twenty Five Thousand (\$25,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(E) Prior to assuming the duties of his office, the Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount fixed by the Commission for the faithful performance of his duties.

(F) In the event of a vacancy in the office of Director, the Deputy Director designated by the Commission shall become acting director until such time as the Commission at any regular or called meeting appoints a new director to fill the position of Director.

Section 6. Appointment, Duties and Qualifications of Deputy Director.

(A) The Director shall have authority to appoint a Deputy Director of the Department. The appointment shall be subject to the approval of the Commission to serve at the pleasure of the Director. Prior to assuming the duties of the office, the Deputy Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount to be fixed by the Commission for the faithful performance of his duties.

(B) The Deputy Director may exercise to the extent permitted by law, only such power and duties of the Director as have been previously assigned to him by the Director. If a vacancy shall occur in the office of the Director, the Deputy Director shall assume all the power and duties of the Director upon approval of the Commission, to be exercised until such time as a successor to the Director has been appointed as provided by law.

(C) The Deputy Director shall be a resident of the State of Alabama for a period of three (3) years next preceding his appointment.

(D) The salary of the Deputy Director shall be compensated in an amount not more than Ten Thousand (\$10,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(D) The salary of the Deputy Director shall not exceed the state salary of the highest paid merit system employee of the Department.

Section 7. Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150, 23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, Code of Alabama 1975, to be amended to read as follows:

“§23-1-20.

There shall be a state highway department. The administration and control of the department shall be vested in the state highway commission.”

“§23-1-21.

The chief executive officer of the highway department shall be known as the highway director, who shall be appointed by the governor state highway commission and shall hold office at the pleasure of the governor state highway

commission. All the powers, authority and duties vested in the highway department shall be exercised by the highway director.

Before entering upon the duties of his office, the highway director shall execute to the state of Alabama a bond, to be approved by the ~~governor~~ state highway commission, in an amount to be fixed by the ~~governor~~ state highway commission, for the faithful performance of his duties."

"§23-1-22.

(a) There is hereby created within the state highway department the position of chief engineer, which shall be filled by appointment by the highway director, with the approval of the ~~governor~~ state highway commission. ~~Such appointment shall also be subject to approval by the state board of registration for engineers and land surveyors.~~ The salary of the chief engineer shall be as determined pursuant to chapter 6 of Title 36 of this Code, and he shall be allowed traveling expenses when traveling on business of the state pursuant to article 2 of chapter 7 of Title 36, all to be paid from funds of the state highway department as salaries and expenses of other state highway department employees are paid. The chief engineer shall give bond for the faithful performance of his duties in an amount to be approved by the ~~governor~~ state highway commission.

(b) The chief engineer shall serve under the direction of the highway director and otherwise be entitled to all the privileges and responsibilities as other merit system employees, and his service and removal shall be subject to the state merit system regulations."

"§23-1-32.

The highway department shall be provided with suitable offices at the state capitol or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the ~~governor~~ state highway commission in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the highway department. The state highway director shall give his entire time to the duties of his office."

"§23-1-35.

On or before April 1 in each year, the highway department shall submit a printed report to the ~~governor~~ state highway commission, stating as nearly as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the ~~governor~~ state highway commission and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the ~~governor~~ state highway commission and the legislature.

"§23-1-37.

The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may

hereafter be provided by law, or may work convicts in the construction, repairing or maintaining public roads or bridges by contract or agreement with the department of corrections as to the number of convicts required to do such work; provided, that the charge for labor of such convicts shall be in accordance with the terms of the contract which shall be negotiated by and between the director of the state highway department and the department of corrections, with the approval of the governor state highway commission, and no other expense incurred by the use of such convicts shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed."

"§23-1-40.

(a) It shall be the duty of the highway department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and it shall have authority to make contracts or agreements to construct or pave the roadway only of the street or streets which will serve to connect the state highway constructed or repaired by the highway department within any municipality in the state of Alabama.

(b) In such municipalities in which the highway department has not designated the street or streets which are a part of the state highways constructed or repaired by the highway department, it shall be the duty of the highway department to designate such street or streets. The highway department may also cooperate or contract with any municipality or county in the paving or improving of any street or streets, highway or highways or walkway or walkways upon which a state educational or eleemosynary institution, or the property thereof, may front or abut; provided, that where said state educational or eleemosynary institution or the property thereof fronts or abuts on both sides of such street or streets, highway or highways or walkway or walkways, the highway department is hereby authorized to and shall expend an amount of money sufficient to cover the entire cost thereof; provided further, that where such institution or the property thereof fronts or abuts on only one side of such street or streets, highway or highways or walkway or walkways, the said department shall expend an amount of money sufficient to cover only one half of the cost thereof; provided, that in such case, with the special approval of the governor state highway commission, said department shall be authorized to expend a sum of money sufficient for the entire cost and, provided further, the said department may also, with the special approval of the governor state highway commission, improve or pave any street or streets, driveway or driveways, including curb and gutter, and walkway or walkways on, by or through the grounds upon which a state educational or eleemosynary institution is located and to pay the entire cost thereof.

(c) The highway department shall cause to be made and kept in its office a general highway map of the state which shall show all state roads.

(d) The highway department shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the state.

(e) The highway department shall investigate and determine the methods of road construction best adapted to the various sections of the state and shall establish standards for the maintenance of roads and bridges which have been constructed with state aid.

(f) The highway department may, at all reasonable times, be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts, and the department may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same.

(g) The highway department shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the state where the funds of the state are used and shall have a general supervision over the expenditure of any funds apportioned to any county of the state for the construction and maintenance of all public roads, bridges and culverts in each county."

"§23-1-41.

(a) The highway department is authorized and empowered and may, with the approval of the ~~governor~~ state highway commission provide for a self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen's Compensation Act of this State. The director of the highway department may, with the approval of the ~~governor~~ state highway commission, enter into an agreement with an agency, company or corporation qualified to administer a self-insured Workmen's Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the ~~governor~~ state highway commission, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.

(b) The provisions of the 1981 amendments to this section shall be retroactive to February 1, 1980.

(c) Notwithstanding the provisions of subsection (b) of this section, any reinsurance policies which are in effect as of May 17, 1981, shall continue in force until September 30, 1981."

"§23-1-42.

(a) The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals, the Partlow State School and Hospital and the Alabama agricultural center in the city of Montgomery shall be deemed a part of the state highway system and may be constructed, maintained and repaired by the state highway department in the same manner as other highways and roads in the state highway system.

(b) The state highway department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this section, provided such expenditure is first approved by the ~~governor~~ state highway commission."

"§23-1-54.

Every contract for road or bridge construction, repair or maintenance under the provisions of this chapter shall be made in the name of the state

of Alabama, approved by the highway department and the governor state highway commission."

"§23-1-55.

No contracts for construction, repair or renewals of highways, bridges or culverts shall be let without the approval of the governor state highway commission and until after all necessary right-of-way for such highways and right for material for construction and right-of-way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the department."

"§23-1-58.

Neither the director, nor any member of the state highway commission, nor any deputy highway director, nor any other person in the employ of the highway department shall be, either directly or indirectly, interested in any contract or agreement for the construction or maintenance of any road or bridge in this state or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this state."

"§23-1-61.

There is hereby appropriated to the highway department for its use the entire net revenue derived by the state from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the highway department shall be expended and accounted for as provided in this article. Said state highway fund shall be paid out of the treasury on the comptroller's warrant drawn upon presentation to him of the certificate of the highway department approved by the governor state highway commission."

"§23-1-150.

It is the intention of the legislature by the passage of this article to authorize the incorporation of the director of finance, the highway director, the attorney general, the state treasurer and , the executive secretary to the governor of Alabama , the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives for the purpose of constructing public roads and bridges, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized, to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose and to appropriate and pledge funds for the use of such corporation. This article shall be liberally construed in conformity with the said purpose."

"§23-1-151.

The director of finance chairman of the state highway commission, the highway director, the attorney general, the state treasurer, the lieutenant governor and the speaker of the house of representatives and the executive secretary to the governor may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

“§23-1-152.

To become a corporation, ~~the director of finance, the highway director, the attorney general, the state treasurer and , the executive secretary to the governor, the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.”

“§23-1-154.

The applicants named in the application, and their respective successors in office, shall constitute the members of the corporation. The ~~director of finance~~ chairman of the state highway commission shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as ~~director of finance, highway director, attorney general, state treasurer or , executive secretary to the governor,~~ chairman of the state highway commission, lieutenant governor or speaker of the house of representatives, as the case may be, expire, or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified.”

“§23-1-156.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. The corporation shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may in its opinion be proper and suitable for the protection of said roads, bridges, approaches and appurtenances and for the safety of the traveling public. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state.”

“§23-1-157.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds; provided, that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon.

(b) Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this article shall be limited to \$50,000,000.00, but the said limitation shall not apply to refunding bonds which may be issued under this article and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this article by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing

during any fiscal year of the state of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be, including bonds issued under this article and any other bonds of the corporation, exceeds 50 percent of the sum of, in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one ninth of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the corporation is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this article and then outstanding.

(f) Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him.

(g) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation under this article shall not be general obligations of the corporation, but shall be payable solely out of the funds appropriated and pledged therefor.

(h) As security for the payment of the principal of and interest on any bonds issued by it under this article the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All

contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state of Alabama. Bonds issued by the corporation under this article shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article.

(i) All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(j) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in bonds of the corporation.

(k) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

"§23-1-158.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, in the state of Alabama, including the acquisition of property necessary for such construction and incidental and related work; provided, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-170.

It is the intention of the legislature by the passage of this article to authorize the incorporation of a public corporation for the following purposes:

(1) To issue bonds to assure the availability of funds for payment of the state's share of the cost of constructing roads and bridges as shall from time to time be constructed with funds supplied jointly by the state and federal government; and

(2) To construct and maintain, or participate in the construction and maintenance, or lend its aid in construction and maintenance or contract for construction and maintenance of roads and bridges in the state of Alabama, as well as the approaches thereto, including the reconstruction and

relocating of approaches, causeways and like or other highway facilities which may, from time to time, be constructed and maintained with funds to be supplied jointly by the state and federal government, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose, and to appropriate and pledge funds for the use of such corporation.

All construction and maintenance referred to in this section shall be done under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction and maintenance under its general powers, subject to approval by the governor state highway commission. This article shall be liberally construed in conformity with the said purposes."

"§23-1-171.

The highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-172.

To become a corporation, the highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway finance corporation;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-174.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, ~~the attorney general~~ lieutenant governor shall be its vice-president, ~~the director of finance~~ speaker of the

house of representatives shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, ~~attorney general or director of finance~~ lieutenant governor or speaker of the house of representatives, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-176.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-177.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate

principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after February 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of

Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates including but without limitation to the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-178.

The proceeds of all bonds, other than refunding bonds, issued by the corporation remaining after paying the expenses of their issuance shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, including the acquisition of property necessary therefor, in the state of Alabama; provided, that such funds may be used only for payment of the state's share of the cost of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, which have been or will be constructed, reconstructed or relocated under programs financed jointly by the state and the federal government; and provided further, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges, or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the director of finance chairman of state highway commission, the highway director, the attorney general lieutenant governor, the state treasurer and the executive secretary to the governor of Alabama and the speaker of the house of representatives for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which

shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose."

"§23-1-302.

~~The director of finance chairman of the state highway commission, the highway director, the attorney general the lieutenant governor, the state treasurer, and the executive secretary to the governor and the speaker of the house of representatives~~ may become a corporation with the powers and authorities provided in this article by proceeding according to the provisions of this article."

"§23-1-303.

(a) To become a corporation, ~~the director of finance chairman of the state highway commission, the highway director, the attorney general lieutenant governor, the state treasurer, and the executive secretary to the governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants;

(2) The date on which each applicant was inducted in the office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama federal aid highway finance authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the state of Alabama to take acknowledgments to deeds.

(c) The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-305.

(a) The applicants named in the application and their respective successors in office shall constitute the members of the corporation.

(b) ~~The director of finance chairman of the state highway commission~~ shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds.

(c) The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of said board of directors shall constitute a quorum for the transaction of business.

(d) Should any of said officials of the state die or should his term of office (as ~~director of finance~~ chairman of the state highway commission, highway director, ~~attorney general~~ lieutenant governor, state treasurer ~~or~~, executive secretary to the governor or speaker of the house of representatives, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation.

(e) No member, officer or director of the corporation shall draw any salary in addition to that now authorized by law for any service he may render or any duty he may perform in connection with the corporation.

(f) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-310.

Obligations of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the ~~governor~~ chairman of the state highway commission, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance, shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the ~~governor~~ state highway commission, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such

construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded."

"§23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state."

Section 8. Sections 23-2-143, 23-2-144 and 23-2-161, Code of Alabama 1975, are hereby amended to read as follows:

“§23-2-143.

(a) There is hereby established a body corporate and politic with corporate succession, to be known as the “Alabama toll road, bridge and tunnel authority.” The authority is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the authority of the powers conferred by this article shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of the governor, the lieutenant governor, the speaker of the house of representatives, the highway director, one member of the senate to be appointed by the lieutenant governor, one member of the house of representatives to be appointed by the speaker of the house and one person from the state at large to be appointed by the ~~governor~~ chairman of the joint legislative highway committee.

(c) The governor shall be chairman of the authority. The authority shall elect a secretary and a treasurer who need not be members and may be one and the same person. Four members of the authority shall constitute a quorum and the concurrence of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Should any of the said officials of the state die or should his term of office, as such official, expire, or should he resign therefrom, his successor in office shall take his place as a member or officer of the authority. Any vacancy in the appointed membership of the authority shall be filled in the same manner as the original appointment was made.

(d) If the secretary and treasurer are not members of the authority, before the issuance of any toll road, bridge or tunnel revenue bonds under the provisions of this article, the secretary shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, which shall be sufficient if he be secretary also. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of secretary or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the state of Alabama as surety, and to be approved by the ~~governor~~ state highway commission and filed in the office of the secretary of state. The cost of such bonds shall be borne by the authority.

(e) The members of the authority shall serve without compensation. The appointed members shall receive reimbursement for their expenses when actively engaged on the authority's business, such expenses to be paid in accordance with article 2 of chapter 7 of Title 36.”

“§23-2-144.

The authority shall have the following powers:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain a principal office and branch offices at such place or places within the state as it may designate;

- (4) To sue and be sued in its own name, including suits in tort;
- (5) To acquire and construct toll road, bridge or tunnel projects at such locations as the authority may determine to be desirable, practicable and economically feasible and to maintain, repair and operate such projects;
- (6) To issue toll road, bridge or tunnel revenue bonds of the authority for any of its corporate purposes, payable solely from its tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this article. No bonds issued under the provisions of this article shall constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and neither the state nor any political subdivision thereof shall ever pay or agree to pay any portion of the same, but such bonds shall be payable solely from the funds pledged or available for their payment as authorized in this article. All such toll road, bridge or tunnel revenue bonds shall contain on the face thereof a statement to the effect that the authority is obligated to pay the same or the interest thereon only from its tolls or other revenues and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal thereof or the interest thereon;
- (7) To fix and revise from time to time, charge and collect tolls for transit over or through toll road, bridge and tunnel projects constructed by it;
- (8) To establish rules and regulations for the use of any project;
- (9) To acquire, hold and dispose of real and personal property;
- (10) To acquire in the name of the authority, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of Title 18, and other provisions of law, insofar as the same may be applicable, any land and other property or any easement or interest therein, which it may determine is reasonably necessary for any toll road, bridge or tunnel project or for its protection and preservation, or for the construction, relocation or reconstruction of any access highway, street or road; and to acquire by purchase or by condemnation, land necessary for drainage ditches, clay, sand and gravel pits, and lime and stone quarries, together with any other material of every character that may be necessary in the construction and maintenance of toll road, bridge or tunnel projects and access highways and roads;
- (11) To designate points of ingress to and egress from each toll road, bridge or tunnel project and to prohibit entrance to and exit from such project at any point or points not so designated;
- (12) To make and enter into contracts and agreements necessary for, or incidental to, the performance of its duties and the execution of its powers under this article, including contracts and agreements for professional services deemed necessary for such purposes by the authority;
- (13) To appoint managers, superintendents, tolltakers and such other employees and agents as may be necessary, in its judgment, to the efficient accomplishment of the purposes of this article;

(14) To receive and accept from any federal agency, subject to the approval of the ~~governor~~ state highway commission, grants for, or in aid of, the construction of any project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(15) To provide coverage for its employees under the provisions of chapter 5 of Title 25, and the federal Social Security Act; and

(16) To do all acts and things necessary or convenient to carry out the powers granted in this article."

"§23-2-161.

The state highway department is hereby authorized, subject to the approval of the ~~governor~~ state highway commission, to expend out of any funds available to it such moneys as may be necessary for the study of any proposed toll road, bridge or tunnel project authorized under this article and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting the study. All such expenses incurred by the department prior to the issuance of revenue bonds under the provisions of this article shall be paid by the department and charged to the appropriate project or projects and the department shall keep proper records and accounts showing each amount so charged.

Upon the sale of toll road, bridge or tunnel revenue bonds for a toll road, bridge or tunnel project, the funds so expended by the department in connection with a project shall be reimbursed by the authority to the department from the proceeds of such bonds and thereafter all expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article.

Nothing in this article shall be construed so as to authorize the authority to incur indebtedness or liability on behalf of or payable by the state or by any of its political subdivisions."

Section 9. Sections 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8 and 23-6-9, Code of Alabama 1975, are hereby amended to read as follows:

"§23-6-2.

It is the intention of the legislature by the passage of this chapter to authorize the incorporation of a public corporation for the following purposes:

To issue bonds to assure the availability of funds for payment of the cost of constructing industrial access roads and bridges as shall from time to time be constructed;

To construct industrial access roads and bridges through a corporation to be composed of the officials whose incorporation is hereby authorized;

To vest such corporation with all powers, authorities, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose; and

To appropriate and pledge funds for the use of such corporation. All construction herein referred to shall be performed by or under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction under

its general powers, subject to approval by the ~~governor~~ state highway commission. This chapter shall be liberally construed in conformity with the said purposes."

"§23-6-3.

The highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ may become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions of this chapter."

"§23-6-4.

To become a corporation, the highway director, the state treasurer and the ~~director of finance chairman of the state highway commission~~ shall present to the secretary of state of Alabama an application signed by them which shall set forth:

- (1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;
- (2) The date on which each applicant was inducted into office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama Industrial Access Road and Bridge Corporation;
- (4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and
- (5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgements to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

"§23-6-6.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the state treasurer shall be its vice-president, the ~~director of finance chairman of the state highway commission~~ shall be the secretary of the corporation, and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, state treasurer, or ~~director of finance chairman of the state highway commission~~, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation.

All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$25,000,000.00, excluding refunding bonds, which shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the ~~governor~~ state highway commission shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the ~~governor~~ state highway commission of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be (but is not required to be) shown on any such bonds by a facsimile of his signature

printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

"§23-6-9.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned into the treasury, shall be carried in a special industrial access road and bridge construction account, and shall be available to be drawn upon by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating industrial access roads and bridges and work incidental or related thereto, including the acquisition of property necessary therefor. Moneys on deposit in the industrial access road and bridge construction account shall be invested by the state treasurer at the direction of the corporation in permitted investments which mature at such time or times as the corporation shall direct. Net interest income earned from the investment of bond proceeds deposited into the industrial access road and bridge construction account shall be deposited as received by the state treasurer into the state public road and bridge fund to be used for state highway purposes.

The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. Bonds refunded prior to their maturity with the

proceeds of refunding bonds shall be defeased if the corporation, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in section 23-6-10 of this chapter, shall no longer be obligations of the corporation and shall be secured solely by and payable from moneys and government securities deposited in such trust or escrow fund. All contracts of the corporation for the construction, reconstruction and relocation of industrial access roads and bridges, work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be acquired in the name of the state or shall be forthwith conveyed to the state. All roads and bridges constructed by the corporation shall constitute part of the public highway and street system of the state.

There is hereby appropriated so much of the bond proceeds as may be necessary for the construction of industrial access roads and bridges in the state."

Section 10. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-91.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose:

When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved

roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor, chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities. County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the ~~governor~~ state highway commission funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such

person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section."

Section 11. Section 9-6A-8, Code of Alabama 1975, is hereby amended to read as follows:

"§9-6A-8.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

Section 12. Section 29-2-4, Code of Alabama 1975, is hereby amended to read as follows:

"§29-2-4.

The powers and duties of the joint highway committee shall be the following:

(1) It shall review a long-range (20-year) highway plan for proposed highway construction and modification of all highways falling under jurisdiction of the highway department, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1976. The said plan shall be updated annually; and after expiration of the first 20-year period, it shall recommend subsequent long-range plans for each subsequent period of 20 years. The said plans in appropriate form shall be made available to all government agencies and all members of the public and news media.

(2) It shall review priorities of all highway construction and modification projects falling under the jurisdiction of the highway department and review proposals for highway construction and modification for each fiscal year of the state.

(3) It shall review the budget for highway construction, modification, maintenance, operation and administration of the highway department on an annual basis, which budget shall be reviewed not later than the fifteenth legislative day of each annual session of the legislature.

(4) It shall issue a report to the ~~governor~~, lieutenant governor, house of representatives, senate and public within the first 10 legislative days of each annual regular legislative session, comparing actual performance of the highway department in terms of highway construction, modification, maintenance and costs of the same, to the original plan for the immediate preceding fiscal year.

(5) It shall recommend to the governor and the legislature necessary funding for highway department budgets to the extent necessary beyond funds already provided by law.

(6) It may retain the services of outside consultants, if necessary, and consult with other groups and individuals, including public interest groups, interested individuals and appropriate departments of the University of Alabama, Auburn University and other state institutions.

(7) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state and shall file all reports of its findings and recommendations with both houses of the legislature and with the governor and the state highway commission.

(8) It shall have the power to call witnesses and do all things necessary or convenient in connection with and all things incidental to performance of the foregoing its duties and powers as provided by law.

(9) In performing its functions, the joint highway committee shall take into consideration, in determining plans for highway construction, modification and maintenance, among other factors:

- a. Commuter benefits in the form of direct savings to working men and women traveling to and from their jobs in the state;
- b. Industrial and agricultural growth;
- c. Highway safety;
- d. Ecological impacts of highway projects;
- e. Recreation and tourism; and
- f. Traffic density."

Section 13. Sections 32-5A-171, 32-5A-172, 32-5A-173 and 32-5A-174, Code of Alabama 1975, are hereby amended to read as follows:

"§32-5A-171.

Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

- (1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.
- (2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5).
- (3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the ~~governor~~ state highway commission under authority granted in subdivision (5) hereof.
- (4) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the ~~governor~~ under authority granted in subdivision (5).
- (5) The ~~governor~~ state highway commission is hereby specifically authorized to prescribe the maximum rate of speed whenever a different

rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

"§32-5A-172.

Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs."

"§32-5A-173.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
- (2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the ~~governor~~ state highway commission under subdivision (4) of section 32-5A-171;
- (3) Decreases the limit on any street or highway under the jurisdiction and control of any county commission; or
- (4) Increases the limit on any street, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under section 32-5A-171.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced

limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour."

"§32-5A-174.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the governor state highway commission, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs."

Section 14. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"§32-9-1.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the highway director and final approval by the governor state highway commission. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof."

Section 15. Section 33-16-9, Code of Alabama 1975, is hereby amended to read as follows:

"§33-16-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts (other than contracts of the type described in the next succeeding paragraph) shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature; and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-16-12.

No contract which is subject to the foregoing restriction and which involves the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

The restriction set forth in the preceding paragraph shall not apply to any contract between the authority and the United States, or an agency thereof, pursuant to which the authority agrees to satisfy the requirements of local contribution and participation with respect to a project related to the development of the waterway. Prior to the execution of any such contract between the authority and the United States, or an agency thereof, the board of directors of the authority shall adopt a resolution approving such contract, which resolution shall include a determination that the moneys expected to be available to the authority for the payment of its monetary obligations (if any) under such contract will be sufficient to pay such monetary obligations.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department and shall be subject to approval by the ~~governor and by the highway department~~ state highway commission. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

In connection with the construction, reconstruction or relocation of highways, roads and bridges, and the acquisition of property necessary therefor, the authority may enter into contracts with the United States, or an agency thereof, pursuant to which the work related to any such construction, reconstruction or relocation shall be performed, and any property necessary therefor shall be acquired, by the United States, or an agency thereof, or by one or more contractors selected by the United States, or an agency thereof. Any such contract between the authority and the United States, or an agency thereof, shall not be subject to the requirements and restrictions (including, without limitation, the requirements with respect to competitive bidding) set forth in the two immediately preceding paragraphs of this section."

Section 16. Section 33-16-10, Code of Alabama 1975, is hereby amended to read as follows:

“§33-16-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and the director~~, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state.”

Section 17. Sections 33-17-9 and 33-17-10, Code of Alabama 1975, are hereby amended to read as follows:

“§33-17-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-17-12.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by

the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

"§33-17-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made~~ shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 18. Section 40-12-270, Code of Alabama 1975, is hereby amended to read as follows:

"§40-12-270.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds," shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 shall be remitted by the judge of probate to the state treasurer who shall distribute said amounts as follows:

a. 64.75 percent of said amounts shall be distributed by the state treasurer among the 67 counties as follows:

b. 35.25 percent of said amounts shall be apportioned and distributed by the state treasurer among the 67 counties as follows:

1. A portion of the counties' share of the net tax proceeds that is equal to 42.16 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated equally among the 67 counties of the state.

2. The entire residue of the counties' share of the net tax proceeds, being an amount equal to 57.84 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made monthly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective on October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the

treasury to the credit of the public road and bridge fund and disbursed as follows:

- (1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for the payment of expenses of the state department of revenue in the collection of the said taxes and fees, including salaries, cost of tags and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269;
- (2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:
 - a. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;
 - b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;
 - c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and
 - d. Payment at their respective maturities of the principal of and interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the Constitution and laws of the said state, and for which the said net proceeds referred to in this subdivision (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in an authorizing resolution thereunder; and
- (3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivisions shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.
- (e)(1) All moneys received by a municipality or county under this section, except that portion of the said moneys that constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section, shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

(2) All moneys received by a county under this section which constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section shall be used by such county for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of the chief of the bureau of secondary roads of the state highway department, two county engineers appointed by the state highway director and two county commission members, ~~appointed by the governor one county commission member appointed by the lieutenant governor and one county commission member appointed by the speaker of the house of representatives.~~ The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after June 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days' notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the inspection fee distributed under section 8-17-91, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special

RRR fund as provided for in section 40-17-224 and may use the proceeds so deposited for any purpose authorized under said section.”

Section 19. Sections 40-17-78 and 40-17-224, Code of Alabama 1975, are hereby amended to read as follows:

“§40-17-78.

Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts and for such other public road and bridge purposes in the state as may be authorized by the highway department with the approval of the ~~governor~~ state highway commission;

(2) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in section 40-17-75;

(3) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.”

“§40-17-224.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) RESURFACING, RESTORATION AND REHABILITATION (RRR). Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength.

RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures, and if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this article shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90 percent of the county's paved road system has achieved a grade of 85 percent based on the state of Alabama highway department's annual maintenance report of county roads and bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

Section 20. Section 41-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§41-4-16.

(a) No bonds or other evidences of indebtedness of any commission ~~or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto~~, any housing authority, any state rural electrification authority, any electric membership corporation, any power district or any improvement authority shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary to fully advise such department of the nature of the proposed project, and said petition shall include such other information as may be required by the rules of the department. The department of finance shall

grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or anyone to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the department in obtaining its consent thereto. The provisions of this section shall not apply to any bonds or other evidence of indebtedness issued by any municipality, or any agencies, bureaus or commissions thereof.

(b) The provisions of this section shall not apply to any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto."

Section 21. (a) Following the effective date of this act the members of the commission shall be appointed as provided in sections 3 herein, except as provided below:

1. Within ten days following the effective date of this act the members of the commission shall be appointed as provided in sections 3(a)1 and 3(a)2 for the following terms:

(a) The member from the commission appointed from congressional district shall serve a three year term.

(b) The members of the commission appointed from congressional districts 2, 3, and 4 shall serve a five year term.

(c) The members of the commission appointed from congressional districts 5, 6, and 7 shall serve a six year term.

(d) The members of the commission appointed by the lieutenant governor and the speaker of the house from the state at large shall serve a two year term.

2. The members of the commission appointed under subsection 1 above shall begin to serve on the commission immediately upon appointment.

3. Within the first five legislative days of the 1989 session of the legislature the persons appointed under subsection 1 above shall be submitted to the senate for confirmation. Any commissioner appointed shall serve until such time he is confirmed by the Senate or rejected.

4. Members of the commission appointed under this section shall serve, unless rejected by the Senate, or until their successors are duly appointed and confirmed.

Section 22. All laws or parts of laws, special, local, or general which conflict or are inconsistent with this act are hereby repealed, insofar as such laws or parts of laws conflict with or are inconsistent with this act.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. The provisions of this act shall be effective on the 1st day of October, 1991.

Senator Hand then requested and received unanimous consent to withdraw his substitute.

Senator Hand then offered the following substitute for the Corbett-Foshee substitute for the Bill, S. B. 484, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. B. 484

**A BILL
TO BE ENTITLED
AN ACT**

To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 12-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Sections 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, wherever they appear in this act, unless the context clearly indicates otherwise, shall have the following meanings:

(A) COMMISSION—Alabama State Highway Commission as established in this act.

(B) DIRECTOR—the director of the Alabama State Highway Department.

(C) DEPUTY DIRECTOR—the deputy director of the Alabama State Highway Department.

Section 2. It is the intent and purpose of this act to establish a State Highway Commission to administer all duties and obligations set out by the

Constitution of the State of Alabama 1901 as amended and the Code of Alabama 1975, to the State Highway Department.

Section 3. State Highway Commission.

(A) There is hereby created a State Highway Commission. The State Highway Commission shall be composed of one member appointed from each congressional district of the State and two members appointed from the State at large. The members shall be appointed as follows:

1. The Governor shall appoint one member of the State Highway Commission from each congressional district.

Each legislator in each congressional district shall nominate one person and the Governor shall appoint one person from names submitted. Each member shall require Senate confirmation and shall serve from the time of appointment until rejected by the Senate or until his term expires. The member appointed to the State Highway Commission shall be a permanent resident from the congressional district from which he is appointed.

2. The Lieutenant Governor and the Speaker of the House of Representatives shall each appoint one member of the State Highway Commission from the State at Large.

3. The appointment of the members of the State Highway Commission shall be made before the first calendar day of the first Regular Session of the Legislature following the general election of the members of the Legislature. Such appointments shall be submitted to the Senate for confirmation no later than the tenth (10) legislative day of the first Regular Session of the legislature.

4. The terms of the members of the State Highway Commission shall be six (6) years, except as provided in Section 21 of this act. The members shall serve until his successor is duly appointed as provided in Subsection "3" of this Section. No member of the commission shall serve more than two (2) consecutive six (6) year terms.

5. Should a vacancy occur in the Commission, the unexpired term of the member shall be filled as originally appointed and confirmed during the regular session of the legislature next following the creation of the vacancy.

(B) The State Highway Commission by a majority vote of the members shall elect a Chairman and Vice Chairman who shall serve at the pleasure of the Commission. The Chairman shall preside over the Regular and Special meetings of the Commission.

1. The Chairman shall have the power to appoint a Secretary who need not be a member of the Commission. The Vice-Chairman shall perform such duties as prescribed by the Commission including but not limited to presiding over the Commission in the absence of the Chairman.

(C) The State Highway Commission shall meet in Regular Session once a month at the State Highway Department Main Office located in Montgomery, Alabama. The Commission shall meet at such other special meeting or meetings as called by the Chairman of the Commission or by a majority of the members of the commission as may be deemed reasonable and proper to transact business in the best interest of the Department. A majority of the members of the Commission shall constitute a quorum for the transaction

of business. Except as otherwise provided by law, any power of the Commission may be exercised by a majority vote of those members present and voting at any meeting at which there is a quorum.

(D) The members of the Commission shall receive no salary. Members shall receive per diem expenses as provided by law for each day of attendance at meetings of the Commission. In addition, each member shall receive reimbursement of actual expenses incurred while engaged in the furtherance of the business of the Commission. Such per diem and expenses shall be paid from the funds of the Department upon presentation, by the members, of vouchers approved by the Chairman and signed by the Secretary of the Commission.

(E) Each member of the Commission shall execute a bond to the State of Alabama in an amount set by the Permanent Joint Highway Committee and approved by the Chairman of said committee for the faithful performance of his duties.

Section 4. Powers of the Commission

The commission shall be charged with the general control and supervision of the department. In the exercise of such general control and supervision the Commission shall have such duties, powers and authorities as expressly vested in it by this act, including but not limited to:

(A) Approval of Construction Contracts.

(B) Approval of all long-range plans and programs of the department.

Section 5. Highway Director—appointment. term. vacancy.

(A) The chief executive officer of the Highway Department shall be known as the Highway Director, who shall be appointed by a majority vote of the total members of the Commission. The Director shall serve at the pleasure of the Commission. All powers, authority and duties vested in the Highway Department by law and not reserved by law in the State Highway Commission shall be executed by the Highway Director.

(B) The Director shall devote full time and attention to his duties. He shall be a resident of the State of Alabama for a period of five (5) years next preceding his appointment as Director. He shall maintain a full-time residency within Montgomery County, Alabama, during his term as Director.

(C) No former Director of the Highway Department of the State of Alabama shall be eligible to serve as Director of the Highway Department.

(D) The Director shall be compensated in an amount not more than Twenty Five Thousand (\$25,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(E) Prior to assuming the duties of his office, the Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount fixed by the Commission for the faithful performance of his duties.

(F) In the event of a vacancy in the office of Director, the Deputy Director designated by the Commission shall become acting director until such time as the Commission at any regular or called meeting appoints a new director to fill the position of Director.

Section 6. Appointment, Duties and Qualifications of Deputy Director.

(A) The Director shall have authority to appoint a Deputy Director of the Department. The appointment shall be subject to the approval of the Commission to serve at the pleasure of the Director. Prior to assuming the duties of the office, the Deputy Director shall execute to the State of Alabama a bond to be approved by the Commission in an amount to be fixed by the Commission for the faithful performance of his duties.

(B) The Deputy Director may exercise to the extent permitted by law, only such power and duties of the Director as have been previously assigned to him by the Director. If a vacancy shall occur in the office of the Director, the Deputy Director shall assume all the power and duties of the Director upon approval of the Commission, to be exercised until such time as a successor to the Director has been appointed as provided by law.

(C) The Deputy Director shall be a resident of the State of Alabama for a period of three (3) years next preceding his appointment.

(D) The salary of the Deputy Director shall be compensated in an amount not more than Ten Thousand (\$10,000.00) Dollars above the highest range allowed by the merit system pay scale for the highest paid merit system employee of the department. The salary shall be set by the Commission in the month of January each year.

(D) The salary of the Deputy Director shall not exceed the state salary of the highest paid merit system employee of the Department.

Section 7. Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150, 23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, Code of Alabama 1975, to be amended to read as follows:

“§23-1-20.

There shall be a state highway department. The administration and control of the department shall be vested in the state highway commission.”

“§23-1-21.

The chief executive officer of the highway department shall be known as the highway director, who shall be appointed by the governor state highway commission and shall hold office at the pleasure of the governor state highway commission. All the powers, authority and duties vested in the highway department shall be exercised by the highway director.

Before entering upon the duties of his office, the highway director shall execute to the state of Alabama a bond, to be approved by the governor state highway commission, in an amount to be fixed by the governor state highway commission, for the faithful performance of his duties.”

“§23-1-22.

(a) There is hereby created within the state highway department the position of chief engineer, which shall be filled by appointment by the highway director, with the approval of the governor state highway commission. ~~Such appointment shall also be subject to approval by the state board of registration for engineers and land surveyors.~~ The salary of the chief

engineer shall be as determined pursuant to chapter 6 of Title 36 of this Code, and he shall be allowed traveling expenses when traveling on business of the state pursuant to article 2 of chapter 7 of Title 36, all to be paid from funds of the state highway department as salaries and expenses of other state highway department employees are paid. The chief engineer shall give bond for the faithful performance of his duties in an amount to be approved by the governor state highway commission.

(b) The chief engineer shall serve under the direction of the highway director and otherwise be entitled to all the privileges and responsibilities as other merit system employees, and his service and removal shall be subject to the state merit system regulations."

"§23-1-32.

The highway department shall be provided with suitable offices at the state capitol or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the governor state highway commission in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the highway department. The state highway director shall give his entire time to the duties of his office."

"§23-1-35.

On or before April 1 in each year, the highway department shall submit a printed report to the governor state highway commission, stating as nearly as possible the number of miles of road built or improved and also the culverts and bridges constructed during the preceding fiscal year, showing the cost and general character of same, and the location of material suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the governor state highway commission and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor state highway commission and the legislature.

"§23-1-37.

The highway department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing or maintaining public roads or bridges by contract or agreement with the department of corrections as to the number of convicts required to do such work; provided, that the charge for labor of such convicts shall be in accordance with the terms of the contract which shall be negotiated by and between the director of the state highway department and the department of corrections, with the approval of the governor state highway commission, and no other expense incurred by the use of such convicts shall be chargeable to the highway department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed."

"§23-1-40.

(a) It shall be the duty of the highway department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and it shall have

authority to make contracts or agreements to construct or pave the roadway only of the street or streets which will serve to connect the state highway constructed or repaired by the highway department within any municipality in the state of Alabama.

(b) In such municipalities in which the highway department has not designated the street or streets which are a part of the state highways constructed or repaired by the highway department, it shall be the duty of the highway department to designate such street or streets. The highway department may also cooperate or contract with any municipality or county in the paving or improving of any street or streets, highway or highways or walkway or walkways upon which a state educational or eleemosynary institution, or the property thereof, may front or abut; provided, that where said state educational or eleemosynary institution or the property thereof fronts or abuts on both sides of such street or streets, highway or highways or walkway or walkways, the highway department is hereby authorized to and shall expend an amount of money sufficient to cover the entire cost thereof; provided further, that where such institution or the property thereof fronts or abuts on only one side of such street or streets, highway or highways or walkway or walkways, the said department shall expend an amount of money sufficient to cover only one half of the cost thereof; provided, that in such case, with the special approval of the governor state highway commission, said department shall be authorized to expend a sum of money sufficient for the entire cost and, provided further, the said department may also, with the special approval of the governor state highway commission, improve or pave any street or streets, driveway or driveways, including curb and gutter, and walkway or walkways on, by or through the grounds upon which a state educational or eleemosynary institution is located and to pay the entire cost thereof.

(c) The highway department shall cause to be made and kept in its office a general highway map of the state which shall show all state roads.

(d) The highway department shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the state.

(e) The highway department shall investigate and determine the methods of road construction best adapted to the various sections of the state and shall establish standards for the maintenance of roads and bridges which have been constructed with state aid.

(f) The highway department may, at all reasonable times, be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts, and the department may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same.

(g) The highway department shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges and culverts in the state where the funds of the state are used and shall have a general supervision over the expenditure of any funds apportioned to any county of the state for the construction and maintenance of all public roads, bridges and culverts in each county."

"§23-1-41.

(a) The highway department is authorized and empowered and may, with the approval of the governor state highway commission provide for a

self-insurance program covering a certain amount to be paid to the employees of the highway department who may be killed or injured in the line and scope of their employment; provided, that the amount paid to any such party on account of death or injury shall not exceed the amount or amounts as provided by the Workmen's Compensation Act of this State. The director of the highway department may, with the approval of the governor state highway commission, enter into an agreement with an agency, company or corporation qualified to administer a self-insured Workmen's Compensation program to administer the program or, in the alternative, the director may elect to administer the program with highway department personnel. The cost of this program shall be paid out of the funds of the highway department as provided by law, and to that end and for that purpose, the department may, with the consent and approval of the governor state highway commission, disburse any moneys appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this state.

(b) The provisions of the 1981 amendments to this section shall be retroactive to February 1, 1980.

(c) Notwithstanding the provisions of subsection (b) of this section, any reinsurance policies which are in effect as of May 17, 1981, shall continue in force until September 30, 1981."

"§23-1-42.

(a) The roads and streets, drives and parking areas located on the campus of any state institution of higher learning, the Alabama state hospitals, the Partlow State School and Hospital and the Alabama agricultural center in the city of Montgomery shall be deemed a part of the state highway system and may be constructed, maintained and repaired by the state highway department in the same manner as other highways and roads in the state highway system.

(b) The state highway department or the director thereof is hereby authorized and empowered to expend any funds in the public road and bridge fund to effectuate the purpose of this section, provided such expenditure is first approved by the governor state highway commission."

"§23-1-54.

Every contract for road or bridge construction, repair or maintenance under the provisions of this chapter shall be made in the name of the state of Alabama, approved by the highway department and the governor state highway commission."

"§23-1-55.

No contracts for construction, repair or renewals of highways, bridges or culverts shall be let without the approval of the governor state highway commission and until after all necessary right-of-way for such highways and right for material for construction and right-of-way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the department."

"§23-1-58.

Neither the director, nor any member of the state highway commission, nor any deputy highway director, nor any other person in the employ of the

highway department shall be, either directly or indirectly, interested in any contract or agreement for the construction or maintenance of any road or bridge in this state or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this state."

"§23-1-61.

There is hereby appropriated to the highway department for its use the entire net revenue derived by the state from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds received by the highway department shall be expended and accounted for as provided in this article. Said state highway fund shall be paid out of the treasury on the comptroller's warrant drawn upon presentation to him of the certificate of the highway department approved by the ~~governor~~ state highway commission."

"§23-1-150.

It is the intention of the legislature by the passage of this article to authorize the incorporation of ~~the director of finance, the highway director, the attorney general, the state treasurer and , the executive secretary to the governor of Alabama , the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives~~ for the purpose of constructing public roads and bridges, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized, to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose and to appropriate and pledge funds for the use of such corporation. This article shall be liberally construed in conformity with the said purpose."

"§23-1-151.

~~The director of finance~~ chairman of the state highway commission, the highway director, ~~the attorney general, the state treasurer, the lieutenant governor and the speaker of the house of representatives~~ and the executive secretary to the governor may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-152.

To become a corporation, ~~the director of finance, the highway director, the attorney general, the state treasurer and , the executive secretary to the governor, the chairman of the state highway commission, the lieutenant governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway authority;

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-154.

The applicants named in the application, and their respective successors in office, shall constitute the members of the corporation. The ~~director of finance chairman~~ of the state highway commission shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as ~~director of finance~~, highway director, ~~attorney general~~, state treasurer or ~~executive secretary to the governor, chairman of the state highway commission, lieutenant governor or speaker of the house of representatives~~, as the case may be, expire, or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-156.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor state highway commission~~ and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. The corporation shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may in its opinion be proper and suitable for the protection of said roads, bridges, approaches and appurtenances and for the safety of the traveling public. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith

conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-157.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and all interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not of both, of said officers may be imprinted or otherwise reproduced on any such bonds in lieu of their being manually signed and a facsimile of the president's signature may be imprinted or otherwise reproduced on any such interest coupons in lieu of their being manually signed. The seal of the corporation shall be affixed to such bonds; provided, that a facsimile of said seal may be imprinted or otherwise reproduced on any such bonds in lieu of being manually affixed thereon.

(b) Any bonds of the corporation may be executed and delivered at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors whereunder such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date. Any bond of the corporation having a specified maturity date more than five years after its date shall be made subject to redemption at the option of the corporation at the end of the fifth year after its date and on any interest payment date thereafter under such terms and conditions as may be provided in the resolution under which such bond is authorized to be issued.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation which may be issued under this article shall be limited to \$50,000,000.00, but the said limitation shall not apply to refunding bonds which may be issued under this article and also shall not apply to bonds of the corporation which may be issued under any other act which may at any time be enacted; provided further, that no bonds shall be issued under this article by the corporation in any instance where the aggregate of the principal thereof and interest thereon maturing during any fiscal year of the state of Alabama, when added to the total principal and interest maturing during the same fiscal year with respect to all bonds of the corporation then outstanding, if any there be, including bonds issued under this article and any other bonds of the corporation, exceeds 50 percent of the sum of, in the case of bonds issued during either of the fiscal years ending September 30, 1955, and September 30, 1956, one ninth of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year ending September 30, 1954, or, in the case of bonds issued during any fiscal year ending subsequent to September 30, 1956, two twenty-firsts of the proceeds of the gasoline excise tax levied under section 40-17-31, collected by the state of Alabama during the fiscal year next preceding the fiscal year during which such bonds shall be issued.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the

corporation is received, it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the city of New York, New York, and also by publication in a newspaper published in the state of Alabama which is customarily published not less than six days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may, from time to time, sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation issued under this article and then outstanding.

(f) Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the respective meetings of the board of directors at which the bonds are authorized and shall be signed by the ~~governor~~ chairman of the state highway commission. Such approval by the ~~governor~~ chairman of the state highway commission may be shown on any such bonds by his facsimile signature when authorization thereof is contained in the said approval signed by him.

(g) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of fiscal agents and attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation under this article shall not be general obligations of the corporation, but shall be payable solely out of the funds appropriated and pledged therefor.

(h) As security for the payment of the principal of and interest on any bonds issued by it under this article the corporation is hereby authorized and empowered to pledge for payment of said principal and interest the funds that are appropriated and pledged for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolutions containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of the state of Alabama. Bonds issued by the corporation under this article shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article.

(i) All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(j) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the

exercise of reasonable business prudence, invest trust funds in bonds of the corporation.

(k) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds of the corporation."

"§23-1-158

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the ~~governor~~ state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, in the state of Alabama, including the acquisition of property necessary for such construction and incidental and related work; provided, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-170.

It is the intention of the legislature by the passage of this article to authorize the incorporation of a public corporation for the following purposes:

(1) To issue bonds to assure the availability of funds for payment of the state's share of the cost of constructing roads and bridges as shall from time to time be constructed with funds supplied jointly by the state and federal government; and

(2) To construct and maintain, or participate in the construction and maintenance, or lend its aid in construction and maintenance or contract for construction and maintenance of roads and bridges in the state of Alabama, as well as the approaches thereto, including the reconstruction and relocating of approaches, causeways and like or other highway facilities which may, from time to time, be constructed and maintained with funds to be supplied jointly by the state and federal government, together with work incidental and related thereto, through a corporation to be composed of said officials whose incorporation is hereby authorized to vest such corporation with all powers, authorities, rights, privileges and titles that may be necessary to enable it to accomplish such purpose, and to appropriate and pledge funds for the use of such corporation.

All construction and maintenance referred to in this section shall be done under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction and maintenance under its general powers, subject to approval by the ~~governor~~ state highway commission. This article shall be liberally construed in conformity with the said purposes."

"§23-1-171.

The highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives may become a corporation, with the powers and authorities provided in this article, by proceeding according to the provisions of this article."

"§23-1-172.

To become a corporation, the highway director, ~~the attorney general and the director of finance~~ the lieutenant governor and the speaker of the house of representatives shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama highway finance corporation;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgments to deeds. The secretary of state shall examine the application, and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office."

"§23-1-174.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, ~~the attorney general~~ lieutenant governor shall be its vice-president, ~~the director of finance~~ speaker of the house of representatives shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, ~~attorney general or director of finance~~ lieutenant governor or speaker of the house of representatives, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation

under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-176.

All contracts of the corporation for the construction, reconstruction and relocation of roads and bridges, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama. All roads and bridges constructed by the corporation shall constitute part of the public highway system in the state."

"§23-1-177.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary, and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 20 years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation, other than refunding bonds, which may be issued under this article after February 1, 1978, shall be limited to \$25,000,000.00; and provided, further, that no bonds, other than refunding bonds, may be sold or issued by the corporation unless the governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be

given by publication in either a financial journal or a financial newspaper published in the city of New York, New York and also by publication in a newspaper published in the state of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than 10 days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided, further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor of Alabama state highway commission of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the legislature. As security for the payment of the principal of, and interest on, any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof or by the document that is the source of authority, a trustee, executor, administrator, guardian or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation. All obligations issued by the corporation shall be exempt from the laws of the state governing usury or prescribing

or limiting interest rates including but without limitation to the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-178.

The proceeds of all bonds, other than refunding bonds, issued by the corporation remaining after paying the expenses of their issuance shall be turned in to the treasury, shall be carried in the public road and bridge account and shall be subject to be drawn on by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, including the acquisition of property necessary therefor, in the state of Alabama; provided, that such funds may be used only for payment of the state's share of the cost of constructing, reconstructing and relocating public roads and bridges, or work incidental or related thereto, which have been or will be constructed, reconstructed or relocated under programs financed jointly by the state and the federal government; and provided further, that if such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads, the corporation may authorize the state highway department to expend directly any portion of such proceeds for constructing, reconstructing and relocating such roads and bridges, or work incidental or related thereto. The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding the principal of outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded."

"§23-1-300.

(a) It is the intention of the legislature by the passage of this article to authorize the incorporation of the director of finance chairman of state highway commission, the highway director, the attorney-general lieutenant governor, the state treasurer and the executive secretary to the governor of Alabama and the speaker of the house of representatives for the purpose of anticipating and providing for (i) the federal share of the cost of constructing federal-aid interstate and defense highways and (ii) the federal share of the cost of constructing federal-aid primary highways, together with work incidental and related to the construction of all such highways, and thus to accelerate the construction of such interstate, defense and primary highways in the state by the issuance of the obligations of such corporation, which shall not be bonds or debts of the state but shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending 1978 through 1995 and the tax proceeds and investment income provided therefor by this article.

(b) This article shall be liberally construed in conformity with the said purpose."

"§23-1-302.

The director of finance chairman of the state highway commission, the highway director, the attorney-general the lieutenant governor, the state treasurer, and the executive secretary to the governor and the speaker of the house of representatives may become a corporation with the powers and authorities provided in this article by proceeding according to the provisions of this article."

“§23-1-303.

(a) To become a corporation, ~~the director of finance chairman of the state highway commission, the highway director, the attorney general lieutenant governor, the state treasurer, and the executive secretary to the governor and the speaker of the house of representatives~~ shall present to the secretary of state of Alabama an application signed by them which will set forth:

- (1) The name, official designation and official residence of each of the applicants;
- (2) The date on which each applicant was inducted in the office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama federal aid highway finance authority;
- (4) The location of the principal office of the proposed corporation; and
- (5) Any other matter relating to the proposed corporation which the applicants may choose to insert and which is not inconsistent with this article or the laws of the state of Alabama.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by laws of the state of Alabama to take acknowledgments to deeds.

(c) The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.”

“§23-1-305.

(a) The applicants named in the application and their respective successors in office shall constitute the members of the corporation.

(b) The ~~director of finance chairman of the state highway commission~~ shall be the president of the corporation, the executive secretary to the governor shall be the vice-president of the corporation, the highway director shall be the secretary of the corporation and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds.

(c) The members of the corporation shall constitute all the members of the board of directors of the corporation, and any three members of said board of directors shall constitute a quorum for the transaction of business.

(d) Should any of said officials of the state die or should his term of office (as ~~director of finance chairman of the state highway commission, highway director, attorney general lieutenant governor, state treasurer or~~ executive secretary to the governor or speaker of the house of representatives, as the case may be) expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation.

(e) No member, officer or director of the corporation shall draw any salary in addition to that now authorized by law for any service he may render or any duty he may perform in connection with the corporation.

(f) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a

substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified."

"§23-1-310.

Obligations of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Approval by the ~~governor of Alabama~~ state highway commission of the terms and conditions under which any of the obligations authorized by this article may be issued shall be requisite to their validity, which approval, signed by the ~~governor~~ chairman of the state highway commission, shall be entered on the minutes of the respective meetings of the board of directors at which such obligations proposed to be issued are authorized. Neither a public hearing or consent by the state department of finance nor any other department or agency shall be a prerequisite to the issuance of any of the obligations. All obligations issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of this Code, as it now exists and as it may at any time be amended."

"§23-1-313.

The authority shall pay out of the proceeds from the sale of the obligations authorized by this article all expenses that the board of directors may deem necessary and advantageous in connection with the sale and issuance thereof. The proceeds from the issue of any obligations authorized by this article, (i) except the proceeds of bonds which were issued to pay principal and interest of temporary bonds or notes and in anticipation of which such temporary bonds or notes shall have been issued, and (ii) except the proceeds of refunding bonds issued to refund any outstanding obligation, remaining after paying the expenses of their sale and issuance, shall be deposited in the state treasury, shall be credited to the road and bridge fund and shall be subject to be withdrawn by the authority, upon the approval of the state highway department and the ~~governor~~ state highway commission, but only for the purpose of paying the federal share of the cost of interstate, defense and primary highways, or work incidental or related to any such construction within the state (including the acquisition of property necessary for such construction and related work) to be repaid to the state by the federal government, and such proceeds shall be used for no other purpose. The proceeds from the sale of the obligations shall not be expended for any highway construction project until such time as the United States secretary of transportation or his designated representative shall have approved the design and location of the project, shall have formally stated in writing that such project will be eligible for federal aid matching funds when such funds become available and shall have entered into a written agreement providing for the repayment of such funds. Proceeds of bonds issued to provide funds for payment of the principal of and interest on temporary bonds or notes issued in anticipation of the sale and issuance of such bonds shall be used solely for the purpose of paying the expenses of the sale and issuance of such bonds and the payment of the principal of and interest on such temporary bonds or notes. Proceeds of refunding bonds issued for the purpose of refunding any outstanding obligations of the authority remaining after payment of the expenses of their issuance shall be used solely for payment of

the principal of and interest on such outstanding obligations of the authority and of paying any premium that may be necessary to be paid in order to redeem and retire the obligations to be refunded.”

“§23-1-317.

(a) If such action shall be necessary in order to comply with any federal legislation relating to federal aid in construction of roads and highways, the authority may authorize the state highway department to expend directly any portion of proceeds from obligations issued under this article for constructing, reconstructing and relocating interstate, defense and primary highways or work incidental or related thereto.

(b) All contracts of the authority for the construction, reconstruction and relocation of interstate, defense and primary highways, and work incidental or related thereto and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the state highway department and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department.

(c) All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the authority without the award of a contract therefor shall be employees of the state highway department.

(d) The authority shall make and enforce all reasonable rules and regulations not inconsistent with the terms of this article or the laws of the state of Alabama as may, in its opinion, be proper and suitable for the protection of said interstate, defense and primary highways and approaches and appurtenances thereto and for the safety of the traveling public; provided, however, that the above provisions shall apply only to the extent that they are not in conflict with any federal legislation, regulation or requirement relating to federal aid in interstate, defense and primary highway construction.

(e) Any property acquired by the authority by purchase, condemnation or otherwise shall be forthwith conveyed to the state of Alabama.

(f) All interstate, defense and primary highways constructed by the corporation shall constitute part of the public highway system in the state.”

Section 8. Sections 23-2-143, 23-2-144 and 23-2-161, Code of Alabama 1975, are hereby amended to read as follows:

“§23-2-143.

(a) There is hereby established a body corporate and politic with corporate succession, to be known as the “Alabama toll road, bridge and tunnel authority.” The authority is hereby constituted an instrumentality exercising public and essential governmental functions and the exercise by the authority of the powers conferred by this article shall be deemed and held to be an essential governmental function of the state.

(b) The authority shall consist of the governor, the lieutenant governor, the speaker of the house of representatives, the highway director, one member of the senate to be appointed by the lieutenant governor, one member of the house of representatives to be appointed by the speaker of the house and one person from the state at large to be appointed by the ~~governor~~ chairman of the joint legislative highway committee.

(c) The governor shall be chairman of the authority. The authority shall elect a secretary and a treasurer who need not be members and may be one and the same person. Four members of the authority shall constitute a quorum and the concurrence of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Should any of the said officials of the state die or should his term of office, as such official, expire, or should he resign therefrom, his successor in office shall take his place as a member or officer of the authority. Any vacancy in the appointed membership of the authority shall be filled in the same manner as the original appointment was made.

(d) If the secretary and treasurer are not members of the authority, before the issuance of any toll road, bridge or tunnel revenue bonds under the provisions of this article, the secretary shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, which shall be sufficient if he be secretary also. Each such surety bond shall be conditioned upon the faithful performance of the duties of the office of secretary or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the state of Alabama as surety, and to be approved by the governor state highway commission and filed in the office of the secretary of state. The cost of such bonds shall be borne by the authority.

(e) The members of the authority shall serve without compensation. The appointed members shall receive reimbursement for their expenses when actively engaged on the authority's business, such expenses to be paid in accordance with article 2 of chapter 7 of Title 36."

"§23-2-144.

The authority shall have the following powers:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) To adopt an official seal and alter the same at pleasure;
- (3) To maintain a principal office and branch offices at such place or places within the state as it may designate;
- (4) To sue and be sued in its own name, including suits in tort;
- (5) To acquire and construct toll road, bridge or tunnel projects at such locations as the authority may determine to be desirable, practicable and economically feasible and to maintain, repair and operate such projects;
- (6) To issue toll road, bridge or tunnel revenue bonds of the authority for any of its corporate purposes, payable solely from its tolls, other revenues and proceeds of such bonds, and to refund its bonds, all as provided in this article. No bonds issued under the provisions of this article shall constitute a debt or liability of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, and neither the state nor any political subdivision thereof shall ever pay or agree to pay any portion of the same, but such bonds shall be payable solely from the funds pledged or available for their payment as authorized in this article. All such toll road, bridge or tunnel revenue bonds shall contain on the face thereof

a statement to the effect that the authority is obligated to pay the same or the interest thereon only from its tolls or other revenues and that neither the state nor any political subdivision thereof is obligated to pay the same or the interest thereon and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal thereof or the interest thereon;

(7) To fix and revise from time to time, charge and collect tolls for transit over or through toll road, bridge and tunnel projects constructed by it;

(8) To establish rules and regulations for the use of any project;

(9) To acquire, hold and dispose of real and personal property;

(10) To acquire in the name of the authority, by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of Title 18, and other provisions of law, insofar as the same may be applicable, any land and other property or any easement or interest therein, which it may determine is reasonably necessary for any toll road, bridge or tunnel project or for its protection and preservation, or for the construction, relocation or reconstruction of any access highway, street or road; and to acquire by purchase or by condemnation, land necessary for drainage ditches, clay, sand and gravel pits, and lime and stone quarries, together with any other material of every character that may be necessary in the construction and maintenance of toll road, bridge or tunnel projects and access highways and roads;

(11) To designate points of ingress to and egress from each toll road, bridge or tunnel project and to prohibit entrance to and exit from such project at any point or points not so designated;

(12) To make and enter into contracts and agreements necessary for, or incidental to, the performance of its duties and the execution of its powers under this article, including contracts and agreements for professional services deemed necessary for such purposes by the authority;

(13) To appoint managers, superintendents, tolltakers and such other employees and agents as may be necessary, in its judgment, to the efficient accomplishment of the purposes of this article;

(14) To receive and accept from any federal agency, subject to the approval of the governor state highway commission, grants for, or in aid of, the construction of any project and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made;

(15) To provide coverage for its employees under the provisions of chapter 5 of Title 25, and the federal Social Security Act; and

(16) To do all acts and things necessary or convenient to carry out the powers granted in this article."

"§23-2-161.

The state highway department is hereby authorized, subject to the approval of the governor state highway commission, to expend out of any

funds available to it such moneys as may be necessary for the study of any proposed toll road, bridge or tunnel project authorized under this article and to use its engineering and other forces, including consulting engineers and traffic engineers, for the purpose of effecting the study. All such expenses incurred by the department prior to the issuance of revenue bonds under the provisions of this article shall be paid by the department and charged to the appropriate project or projects and the department shall keep proper records and accounts showing each amount so charged.

Upon the sale of toll road, bridge or tunnel revenue bonds for a toll road, bridge or tunnel project, the funds so expended by the department in connection with a project shall be reimbursed by the authority to the department from the proceeds of such bonds and thereafter all expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article.

Nothing in this article shall be construed so as to authorize the authority to incur indebtedness or liability on behalf of or payable by the state or by any of its political subdivisions."

Section 9. Sections 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8 and 23-6-9, Code of Alabama 1975, are hereby amended to read as follows:

"§23-6-2.

It is the intention of the legislature by the passage of this chapter to authorize the incorporation of a public corporation for the following purposes:

To issue bonds to assure the availability of funds for payment of the cost of constructing industrial access roads and bridges as shall from time to time be constructed;

To construct industrial access roads and bridges through a corporation to be composed of the officials whose incorporation is hereby authorized;

To vest such corporation with all powers, authorities, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose; and

To appropriate and pledge funds for the use of such corporation. All construction herein referred to shall be performed by or under the direction and supervision of the state highway department. The state highway department may assign, contract or delegate the work of construction under its general powers, subject to approval by the governor state highway commission. This chapter shall be liberally construed in conformity with the said purposes."

"§23-6-3.

The highway director, the state treasurer and the ~~director of finance~~ chairman of the state highway commission may become a corporation, with the powers and authorities hereinafter provided, by proceeding according to the provisions of this chapter."

"§23-6-4.

To become a corporation, the highway director, the state treasurer and the ~~director of finance~~ chairman of the state highway commission shall

present to the secretary of state of Alabama an application signed by them which shall set forth:

- (1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;
- (2) The date on which each applicant was inducted into office and the term of office of each of the applicants;
- (3) The name of the proposed corporation, which shall be Alabama Industrial Access Road and Bridge Corporation;
- (4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and
- (5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this chapter or the laws of the state of Alabama.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state of Alabama to take acknowledgements to deeds. The secretary of state shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

“§23-6-6.

The applicants named in the application and their respective successors in office shall constitute the members of the corporation. The highway director shall be the president of the corporation, the state treasurer shall be its vice-president, the ~~director of finance~~ chairman of the state highway commission shall be the secretary of the corporation, and the state treasurer shall be the treasurer of the corporation and shall act as custodian of its funds. The members of the corporation shall constitute all the members of the board of directors of the corporation, and any two members of the said board of directors shall constitute a quorum for the transaction of business. Should any of said officials of the state die or should his term of office as highway director, state treasurer, or ~~director of finance~~ chairman of the state highway commission, as the case may be, expire or should he resign therefrom, his successor in office shall take his place as a member, officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any service he may render or any duty he may perform in connection with the corporation. All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the corporation and recorded in a substantially bound book. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as prima facie evidence of the matters and things therein certified.”

“§23-6-8.

The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or a facsimile thereof printed or otherwise reproduced thereon. The signatures of both the president and the secretary on any bonds may be facsimile signatures if the board of directors, in its proceedings with respect to issuance of such bonds, provides for manual authentication thereof (or manual execution of certificates of registration thereon) by a trustee, registrar or paying

agent or by named individuals who are employees of the state assigned to the finance department or the state treasurer's office. Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity for refunding at or before maturity with refunding bonds of the corporation or of another governmental entity or public corporation of the state and for defeasance of any unmatured refunded bonds through the use of any such refunding bonds, and may contain such other provisions not inconsistent herewith, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued; provided, that no bond of the corporation shall have a specified maturity date later than 10 years after its date. Bonds of the corporation may be sold from time to time in one or several series and pursuant to a single bond resolution or separate bond resolutions, all as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation at any one time outstanding shall not exceed \$25,000,000.00, excluding refunding bonds, which shall not be considered in determining such limit; provided, further, that no bonds (other than refunding bonds) may be sold or issued by the corporation unless the governor state highway commission shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the cost of industrial access roads and bridges that shall from time to time be constructed.

Obligations of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors to be most advantageous; provided, that none of the obligations may be sold for a price less than 97 percent of par or face value. Subject to the provisions and limitations contained in this chapter, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the governor state highway commission of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the governor chairman of the state highway commission. Such approval by the governor chairman of the state highway commission may be (but is not required to be) shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him. The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor in section 23-6-10 hereof. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged in section 23-6-10 hereof for payment of said principal and interest. All such pledges made by the corporation shall take precedence in the order of the adoption of the resolution containing such pledges. All contracts made and all bonds issued by the corporation pursuant to the provisions of this chapter shall be solely and exclusively

obligations of the corporation and shall not be an obligation or debt of any kind of the state of Alabama. Bonds issued by the corporation shall be construed to have all the qualities and incidents of negotiable instruments subject to the registration provisions pertaining to transfers. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the state of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation. Neither a public hearing nor consent by the state department of finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

"§23-6-9.

The proceeds of all bonds, other than refunding bonds, issued by the corporation, remaining after paying the expenses of their issuance, shall be turned into the treasury, shall be carried in a special industrial access road and bridge construction account, and shall be available to be drawn upon by the corporation, upon the approval of the state highway department and the governor state highway commission, but solely for the purpose of constructing, reconstructing and relocating industrial access roads and bridges and work incidental or related thereto, including the acquisition of property necessary therefor. Moneys on deposit in the industrial access road and bridge construction account shall be invested by the state treasurer at the direction of the corporation in permitted investments which mature at such time or times as the corporation shall direct. Net interest income earned from the investment of bond proceeds deposited into the industrial access road and bridge construction account shall be deposited as received by the state treasurer into the state public road and bridge fund to be used for state highway purposes.

The proceeds from the sale of any refunding bonds of the corporation remaining after paying the expenses of their issuance shall be used only for the purpose of refunding outstanding bonds of the corporation and of paying any premium that may be necessary to be paid in order to redeem or retire the bonds to be refunded. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the corporation, in its proceedings regarding issuance of the refunding bonds provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in section 23-6-10 of this chapter, shall no longer be obligations of the corporation and shall be secured solely by and payable from moneys and government securities deposited in such trust or escrow fund. All contracts of the corporation for the construction, reconstruction and relocation of industrial access roads and bridges, work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be

subject to the rules and regulations and shall be let under the supervision of the state highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the state highway department. All work provided for in any such contract shall be supervised by the state highway department. All persons engaged in the supervision or performance of any such work of construction, reconstruction or relocation that may be done by the corporation without the award of a contract therefor shall be employees of the state highway department. Any property acquired by the corporation by purchase, condemnation or otherwise shall be acquired in the name of the state or shall be forthwith conveyed to the state. All roads and bridges constructed by the corporation shall constitute part of the public highway and street system of the state.

There is hereby appropriated so much of the bond proceeds as may be necessary for the construction of industrial access roads and bridges in the state."

Section 10. Section 8-17-91, Code of Alabama 1975, is hereby amended to read as follows:

"§8-17-91.

(a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries pursuant to the provisions of this division shall be paid into the state treasury and distributed by the state treasurer as follows:

(1) \$175,000.00 of the proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

(2) The balance of the proceeds shall be distributed as follows:

a. 13.87 percent of the balance of the proceeds shall be distributed equally among each of the 67 counties of the state monthly. Such funds shall be used by the counties for the following purpose:

When the use is by a county, such use shall be for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of two county engineers appointed by the state highway director, two county commission members appointed by the governor, chief of the bureau of secondary roads. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion

provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after May 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities. County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the auto license tax distributed under section 40-12-270(a)(1), as amended and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224, and may use the proceeds so deposited for any purpose authorized under said section.

b. \$408,981.00 shall be allocated to the highway department monthly and deposited in the state treasury to the credit of the public road and bridge fund. Such funds are hereby appropriated to the highway department to be used to match federal aid discretionary funds that may from time to time become available to the highway department. In the event that in any fiscal year other highway department funds are insufficient to match the department's regular federal aid apportionment, then at the highway director's recommendation and approval by the ~~governor~~ state highway commission funds appropriated under this subsection may be used to match said federal aid apportionment.

c. 2.76 percent of the balance of the proceeds shall be allocated among the incorporated municipalities of the state as follows:

1. A portion of the municipalities' share of the balance of the proceeds that is equal to 45.45 percent of the municipalities' share of the balance of the proceeds shall be allocated equally among the 67 counties of the state.

2. The entire residue of the municipalities' share of the balance of the proceeds being an amount equal to 54.55 percent of the municipalities' share of the balance of the proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

3. The amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipalities to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census.

4. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. Any municipality incorporated after September, 1983, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the inspection fee by the state during October of the fiscal year next succeeding the said incorporation.

5. Use of the inspection fee by a municipality shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the balance of the proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality, except the municipalities' portion of the highway gasoline tax, and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

d. The balance of the proceeds after a, b and c above have been distributed monthly shall accrue to the credit of and be deposited in the public road and bridge fund.

(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be paid out of current months collections before any distribution is made under subsection (a) of this section.

(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section.”

Section 11. Section 9-6A-8, Code of Alabama 1975, is hereby amended to read as follows:

“§9-6A-8.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of:

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds authorized by the legislature.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the governor state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.”

Section 12. Section 29-2-4, Code of Alabama 1975, is hereby amended to read as follows:

“§29-2-4.

The powers and duties of the joint highway committee shall be the following:

(1) It shall review a long-range (20-year) highway plan for proposed highway construction and modification of all highways falling under jurisdiction of the highway department, which long-range plan shall commence with the fiscal year of the state beginning October 1, 1976. The said plan shall be updated annually; and after expiration of the first 20-year period, it shall recommend subsequent long-range plans for each subsequent period of 20 years. The said plans in appropriate form

shall be made available to all government agencies and all members of the public and news media.

(2) It shall review priorities of all highway construction and modification projects falling under the jurisdiction of the highway department and review proposals for highway construction and modification for each fiscal year of the state.

(3) It shall review the budget for highway construction, modification, maintenance, operation and administration of the highway department on an annual basis, which budget shall be reviewed not later than the fifteenth legislative day of each annual session of the legislature.

(4) It shall issue a report to the ~~governor~~, lieutenant governor, house of representatives, senate and public within the first 10 legislative days of each annual regular legislative session, comparing actual performance of the highway department in terms of highway construction, modification, maintenance and costs of the same, to the original plan for the immediate preceding fiscal year.

(5) It shall recommend to the governor and the legislature necessary funding for highway department budgets to the extent necessary beyond funds already provided by law.

(6) It may retain the services of outside consultants, if necessary, and consult with other groups and individuals, including public interest groups, interested individuals and appropriate departments of the University of Alabama, Auburn University and other state institutions.

(7) It may hold public hearings, shall make diligent inquiry and a full examination of the long-range future highway needs of the state and shall file all reports of its findings and recommendations with both houses of the legislature and with the governor and the state highway commission.

(8) It shall have the power to call witnesses and do all things necessary or convenient in connection with and all things incidental to performance of the foregoing its duties and powers as provided by law.

(9) In performing its functions, the joint highway committee shall take into consideration, in determining plans for highway construction, modification and maintenance, among other factors:

- a. Commuter benefits in the form of direct savings to working men and women traveling to and from their jobs in the state;
- b. Industrial and agricultural growth;
- c. Highway safety;
- d. Ecological impacts of highway projects;
- e. Recreation and tourism; and
- f. Traffic density."

Section 13. Sections 32-5A-171, 32-5A-172, 32-5A-173 and 32-5A-174, Code of Alabama 1975, are hereby amended to read as follows:

"§32-5A-171.

Except when a special hazard exists that requires lower speed for compliance with section 32-5A-170, the limits hereinafter specified or established

as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits.

(1) No person shall operate a vehicle in excess of 30 miles per hour in any urban district.

(2) No person shall operate a motor vehicle on the highways in this state, other than interstate highways, at a speed in excess of 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5).

(3) No person shall operate a motor vehicle, on an interstate highway within the state of Alabama, at a speed in excess of 55 miles per hour in urban areas of 50,000 population or more or in excess of 65 miles per hour outside such urban areas unless a different maximum rate of speed is permitted or allowed by the federal highway administration, or unless a different maximum rate of speed is authorized by the governor state highway commission under authority granted in subdivision (5) hereof.

(4) Notwithstanding any provisions of this section to the contrary, no person shall operate a passenger vehicle, motor truck or passenger bus which carries or transports explosives or flammable liquids, as defined in section 32-1-1.1, or hazardous wastes, as defined in section 22-30-3(5), in this state unless the vehicle, truck or bus prominently displays a current decal, plate or placard which is required by the rules or regulations of the DOT or the PSC which indicates or warns that the vehicle, truck or bus is carrying or transporting such substances. No person shall operate such vehicle, truck or bus at a rate of speed greater than 55 miles per hour at any time unless a different maximum rate of speed is authorized by the governor under authority granted in subdivision (5).

(5) The governor state highway commission is hereby specifically authorized to prescribe the maximum rate of speed whenever a different rate of speed is required by federal law in order for Alabama to receive federal funds for highway maintenance and construction.

(6) The maximum speed limits set forth in this section may be altered as authorized in sections 32-5A-172 and 32-5A-173."

"§32-5A-172.

Whenever the director of public safety and the highway director, with the approval of the governor state highway commission, shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, said directors may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs."

“§32-5A-173.

(a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections;
- (2) Increases the limit within an urban district but not to more than the maximum rate of speed that may be prescribed by the ~~governor~~ state highway commission under subdivision (4) of section 32-5A-171;
- (3) Decreases the limit on any street or highway under the jurisdiction and control of any county commission; or
- (4) Increases the limit on any street, or highway under the jurisdiction and control of any county commission but not to more than the maximum rate of speed that is prescribed under section 32-5A-171.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this chapter for an urban district.

(c) Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the highway department.

(e) Not more than six such alterations as hereinabove authorized shall be made per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 10 miles per hour.”

“§32-5A-174.

(a) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(b) Whenever the director of public safety and the highway director, with the approval of the ~~governor~~ state highway commission, or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway consistently impede the normal and reasonable movement of traffic, the said directors or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs.”

Section 14. Section 32-9-1, Code of Alabama 1975, is hereby amended to read as follows:

“§32-9-1.

Trailers, when used in a truck tractor-semitrailer-trailer combination may be operated on the national system of interstate and defense highways and other highways upon designation by the highway director and final approval by the ~~governor~~ state highway commission. The highway director shall, as a minimum, designate those highways necessary to cause the state of Alabama to be in compliance with the Federal Surface Transportation Assistance Act of 1982.

Except as provided above, no person shall operate any trailer, as defined in this title, on any highway unless such trailer is operated for the purpose of constructing highways or other facilities of the state or a political subdivision thereof. The highway department is authorized to regulate the movement of such trailers from one job to another by special permits issued in the same manner as permits are issued under section 32-9-29. No trailer or semitrailer of any kind shall be used for the hauling of passengers for hire except as provided by article 2 of this chapter.

The provisions of this article relating to trailers shall not apply to the movement over the highways of trailers manufactured, reconditioned or repaired in this state when reasonably necessary for the delivery of such trailers to the owners or purchasers thereof outside the state; provided, that such movement shall be subject to special permit to be issued by the director of the highway department. Such permits may be issued and may be renewed upon such terms and conditions, in the interest of public safety and the preservation of the highways, as the director of the highway department may in his discretion require, and he may designate the route over which such trailers may be moved and the hours of movement thereof.”

Section 15. Section 33-16-9, Code of Alabama 1975, is hereby amended to read as follows:

“§33-16-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts (other than contracts of the type described in the next succeeding paragraph) shall not at any time exceed the sum of:

- (1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature; and
- (2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-16-12.

No contract which is subject to the foregoing restriction and which involves the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

The restriction set forth in the preceding paragraph shall not apply to any contract between the authority and the United States, or an agency

thereof, pursuant to which the authority agrees to satisfy the requirements of local contribution and participation with respect to a project related to the development of the waterway. Prior to the execution of any such contract between the authority and the United States, or an agency thereof, the board of directors of the authority shall adopt a resolution approving such contract, which resolution shall include a determination that the moneys expected to be available to the authority for the payment of its monetary obligations (if any) under such contract will be sufficient to pay such monetary obligations.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department and shall be subject to approval by the governor and by the highway department state highway commission. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

Except as otherwise provided in the last paragraph of this section, all contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes.

In connection with the construction, reconstruction or relocation of highways, roads and bridges, and the acquisition of property necessary therefor, the authority may enter into contracts with the United States, or an agency thereof, pursuant to which the work related to any such construction, reconstruction or relocation shall be performed, and any property necessary therefor shall be acquired, by the United States, or an agency thereof, or by one or more contractors selected by the United States, or an agency thereof. Any such contract between the authority and the United States, or an agency thereof, shall not be subject to the requirements and restrictions (including, without limitation, the requirements with respect to competitive bidding) set forth in the two immediately preceding paragraphs of this section."

Section 16. Section 33-16-10, Code of Alabama 1975, is hereby amended to read as follows:

"§33-16-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless ~~the governor and~~ the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made

shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."

Section 17. Sections 33-17-9 and 33-17-10, Code of Alabama 1975, are hereby amended to read as follows:

"§33-17-9.

The aggregate monetary obligation that the authority may incur in connection with its contracts shall not at any time exceed the sum of

(1) Any uncommitted or unencumbered moneys then appropriated to the authority by the legislature, and

(2) Any uncommitted or unencumbered proceeds of bonds available or to become available from bonds then authorized by the authority and approved by the governor pursuant to section 33-17-12.

No contract involving the expenditure of money, whether now or later, shall be approved or ratified by the board of directors unless the resolution approving or ratifying the same shall include a determination that there will be compliance with the preceding limitation when the amount of the obligation of the contract in question has been added to the already existing obligations of the authority. This determination by the board of directors shall be conclusive of the question of compliance.

All contracts of the authority for the construction, reconstruction, relocation, maintenance and operation of highways, roads and bridges, and work incidental or related thereto, and the acquisition of property necessary therefor, shall be in writing, shall be subject to the rules and regulations and shall be let under the supervision of the highway department, and shall be subject to approval by the ~~governor~~ state highway commission and by the highway department. All work provided for in any such contract shall be supervised by the highway department. All persons engaging in the supervision or performance of any work involving highways, roads and bridges that may be done by the authority without the award of a contract therefor shall be employees of the highway department.

All contracts of the authority for the construction, reconstruction or relocation of any facilities or structures and all purchases of equipment by the authority shall be made on the basis of competitive bidding in the manner and according to the procedures provided in sections 39-2-1 through 39-2-13 and 41-16-20 through 41-16-32, and any other applicable statutes."

"§33-17-10.

Any duties and obligations of the authority which shall be delegated by the board of directors of the authority to the highway department, the state docks department or any other public corporation, agency or department of the state shall be undertaken and discharged by the public corporation, agency or department to which such duties and obligations shall have been delegated; provided, that such a delegation shall not be effective and shall not release the authority from the duties and obligations proposed to be delegated nor impose any duties or obligations on the public corporations, agencies and departments to which a delegation shall have been made unless

~~the governor and the director, head or governing body of the public corporation, agency or department to which a delegation shall have been made shall approve such delegation in all respects; and, provided further, that the public corporation, agency or department shall at the time of such delegation be empowered by laws other than this chapter to perform duties and discharge obligations of the kind delegated and that this section shall not be construed to change the lawfully established nature and functions of public corporations, agencies and departments of the state."~~

Section 18. Section 40-12-270, Code of Alabama 1975, is hereby amended to read as follows:

"§40-12-270.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds," shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 shall be remitted by the judge of probate to the state treasurer who shall distribute said amounts as follows:

a. 64.75 percent of said amounts shall be distributed by the state treasurer among the 67 counties as follows:

b. 35.25 percent of said amounts shall be apportioned and distributed by the state treasurer among the 67 counties as follows:

1. A portion of the counties' share of the net tax proceeds that is equal to 42.16 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated equally among the 67 counties of the state.

2. The entire residue of the counties' share of the net tax proceeds, being an amount equal to 57.84 percent of the total net tax proceeds distributed to counties under paragraph (a)(1)b of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1980 federal decennial census.

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license

tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made monthly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective on October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

- (1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for the payment of expenses of the state department of revenue in the collection of the said taxes and fees, including salaries, cost of tags and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of subsection (a) of section 40-12-269;

- (2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:

- a. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;

c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and

d. Payment at their respective maturities of the principal of and interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the Constitution and laws of the said state, and for which the said net proceeds referred to in this subdivision (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in an authorizing resolution thereunder; and

(3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivisions shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

(e)(1) All moneys received by a municipality or county under this section, except that portion of the said moneys that constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section, shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

(2) All moneys received by a county under this section which constitute collections from additional amounts paid under the schedule of additional amounts set forth in subsection (b) of section 40-12-248 and distributed under subdivision (a)(1) of this section shall be used by such county for the construction, including draining, grading, basing, paving, signing and erosion items, of certain high density unpaved roads as herein provided and for the construction or reconstruction of bridges on such high density roads. The use may also be for the reconstruction, resurfacing, restoration and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. The use may also be for the construction, including draining, grading, basing and paving of certain unpaved roads, and reconstruction of certain paved roads accessing certain public and private recreational facilities and areas.

There is hereby created a committee to be referred to as the secondary road committee comprised of the chief of the bureau of secondary roads of the state highway department, two county engineers appointed by the state

highway director and two county commission members, ~~appointed by the governor~~ one county commission member appointed by the lieutenant governor and one county commission member appointed by the speaker of the house of representatives. The committee members shall serve at the pleasure of the appointing authority. The committee shall elect one of its members to serve as chairman. A quorum of the committee shall consist of no less than three members. Committee members shall serve without compensation.

The secondary road committee shall develop and publish criteria for the designation of high density roads and bridges and for the designation of eligible recreational access roads. The committee may in its discretion provide different criteria for counties according to population, topography and road mileage. The committee shall also develop and publish minimum design standards, including allowable cost items, for the construction, reconstruction, surfacing, resurfacing, restoration and rehabilitation of such high density roads and bridges and recreational access roads. Criteria and standards developed by the committee shall be published by distributing printed copies thereof to the chairman of each county commission in Alabama no later than 90 days after June 1, 1984. The committee may from time to time amend the criteria and standards developed provided that at least 60 days' notice is provided in writing to the chairman of each county commission before the effective date of such amendment. The state highway department shall provide all supplies and clerical help necessary for the committee to execute its responsibilities.

County commissions are hereby required to submit all plans for the use of such proceeds to the highway director or his designee for approval. The highway director or his designee shall review all plans and approve them or disapprove them, based on the criteria and standards developed by the committee.

The funds distributed to the counties under this subsection shall not be commingled with other funds of the county except the counties' portion of the inspection fee distributed under section 8-17-91, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

The provisions of this section notwithstanding, any county may at any time deposit all or any portion of such proceeds into the county's special RRR fund as provided for in section 40-17-224 and may use the proceeds so deposited for any purpose authorized under said section."

Section 19. Sections 40-17-78 and 40-17-224, Code of Alabama 1975, are hereby amended to read as follows:

"§40-17-78.

Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(1) Where the use is by the highway department, such use shall, with the approval of the ~~governor~~ state highway commission, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system, the equipment and preparation of convicts for use upon the public roads and bridges in the state, the maintenance of such convicts while at work upon such roads and bridges, the compensation to the state for the said use of such convicts and for such other public road and bridge purposes in the

state as may be authorized by the highway department with the approval of the governor state highway commission;

(2) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law, including payment of the principal of and interest on any securities at any time issued by the county pursuant to law for payment of which all or any of the net tax proceeds were or may be lawfully pledged, and such use may also be for the purpose and subject to the provisions contained in section 40-17-75;

(3) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

"§40-17-224.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures, and if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this article shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the governor state highway commission, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90 percent of the county's paved road

system has achieved a grade of 85 percent based on the state of Alabama highway department's annual maintenance report of county roads and bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. Provided, however, from time to time, that where the use is by a municipality such funds may also be used to construct new roads and streets within such municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided."

Section 20. Section 41-4-16, Code of Alabama 1975, is hereby amended to read as follows:

"§41-4-16.

(a) ~~No bonds or other evidences of indebtedness of any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto,~~ any housing authority, any state rural electrification authority, any electric membership corporation, any power district or any improvement authority shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary to fully advise such department of the nature of the proposed project, and said petition shall include such other information as may be required by the rules of the department. The department of finance shall grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or anyone to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the department in obtaining its consent thereto. The provisions of this section shall not apply to any bonds or other evidence of indebtedness issued by any municipality, or any agencies, bureaus or commissions thereof.

(b) The provisions of this section shall not apply to any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto."

Section 21. (a) Following the effective date of this act the members of the commission shall be appointed as provided in sections 3 herein, except as provided below:

1. Within ten days following the effective date of this act the members of the commission shall be appointed as provided in sections 3(a)1 and 3(a)2 for the following terms:

(a) The member from the commission appointed from congressional district shall serve a three year term.

(b) The members of the commission appointed from congressional districts 2, 3, and 4 shall serve a five year term.

(c) The members of the commission appointed from congressional districts 5, 6, and 7 shall serve a six year term.

(d) The members of the commission appointed by the lieutenant governor and the speaker of the house from the state at large shall serve a two year term.

2. The members of the commission appointed under subsection 1 above shall begin to serve on the commission immediately upon appointment.

3. Within the first five legislative days of the 1989 session of the legislature the persons appointed under subsection 1 above shall be submitted to the senate for confirmation. Any commissioner appointed shall serve until such time he is confirmed by the Senate or rejected.

4. Members of the commission appointed under this section shall serve, unless rejected by the Senate, or until their successors are duly appointed and confirmed.

Section 22. All laws or parts of laws, special, local, or general which conflict or are inconsistent with this act are hereby repealed, insofar as such laws or parts of laws conflict with or are inconsistent with this act.

Section 23. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 24. The provisions of this act shall be effective on the 1st day of October, 1991.

ADJOURNMENT

The hour of Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of the Bill, S. B. 484, until Saturday, April 9, 1988, at 10 o'clock A.M.

TWENTY-THIRD LEGISLATIVE DAY

SATURDAY, APRIL 9, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Carey Jones, Cloverdale Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Manley
Amari	Corbett	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Ellis	Horn	Smith (B)
Bishop	Figures	Langford	Smith (J)
Cabaniss			

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JIM SMITH,
Vice Chairperson.

COMMITTEE REPORT

On motion of Senator Smith (J), the foregoing report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

Senator deGraffenried moved that absent Senators be granted leave of absence for today.

On objection, said leave of absence was denied.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 2-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

The question was on the Hand substitute for the Corbett-Foshee substitute for the Bill, which said substitutes are set out in the Journal of the Senate for the Twenty-second Legislative Day.

Senator Hand was recognized for debate on his substitute.

POINT OF ORDER

The President and Presiding Officer of the Senate recognized Senator Corbett for a Point of Order, and upon recognition, Senator Corbett attempted to offer an adjournment motion.

The President and Presiding Officer of the Senate ruled that under a Point of Order an adjournment motion cannot be offered.

Senator Corbett then moved to appeal the ruling of the Chair, which motion was adopted.

Yeas 16; Nays 15.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Campbell	Foshee	Langford
Bailey	Corbett	Goodwin	Menton
Bedford	Denton	Hilliard	Sanders
Bennett			

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Nays:

Senators:	deGraffenried	Hale	Preuitt
Barron	Dial	Hand	Rice
Bedsole	Dixon	Manley	Smith (B)
Cabaniss	Ellis	Mitchem	Smith (J)

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MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 256. To establish "The Alabama Legal Services Liability Act"; to define certain terms; to create one form of action and one cause of action against any legal service providers to be known as a Legal Service Liability Action which shall exclusively govern any and all actions for injury or damage against a legal service provider; to establish the standards of care applicable to a legal service provider in a Legal Service Liability Action and to require that the plaintiff shall have the burden of proving that the legal service provider violated the applicable standard of care; to establish a limitation on the time for the commencement of a Legal Service Liability Action; to provide a procedure for the settlement of disputes by arbitration; to provide that advance payments shall not constitute an admission of liability and that any such payments in excess of the award are not repayable; to provide that the rules of evidence unless specifically changed shall remain the same; to provide for the effect of compliance with or violation of the rules of professional conduct; to provide a procedure for the severance of and for the separate resolution of the Underlying Action in a Legal Service Liability Action; to provide that this act shall apply to all actions against legal service providers based on acts or omissions accruing after its effective date; and to provide that such cause of action shall supersede any inconsistent provisions of law.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL

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99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 66. To amend Section 5-5A-28, Code of Alabama 1975, as amended, so as to include deposits of trust funds deposited in a bank by its trust department to the list of deposits for which the bank is authorized to pledge assets as security therefor.

JOHN W. PEMBERTON,
Clerk.

POINT OF ORDER

Senator Manley raised a Point of Order and moved that the Senate adjourn, which motion was adopted.

ADJOURNMENT

Under Senate Rule 2, pending further consideration of the Bill, S. B. 484, the Senate adjourned until Sunday, April 10, 1988, at 10 o'clock A.M.

TWENTY-FOURTH LEGISLATIVE DAY

SUNDAY, APRIL 10, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Damund Williams, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

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JOURNAL

On motion of Senator Drinkard, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-third Legislative Day was approved by the Senate.

RECESS

At 10:15 A.M., on motion of Senator Foshee, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

RULE 17 INVOKED

Senator Foshee requested that Senate Rule 17 be invoked for today.

And the President and Presiding Officer of the Senate ordered that Senate Rule 17 be invoked for today.

RECESS

At 2:05 P.M., Senator Drinkard offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Senate take a recess until 2:45 this afternoon.

Which was adopted.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions, with the original Senate Bills and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. 66. To amend Section 5-5A-28, Code of Alabama 1975, as amended, so as to include deposits of trust funds deposited in a bank by its trust department to the list of deposits for which the bank is authorized to pledge assets as security therefor.

Also:

S. 136. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for benefits under Unemployment Compensation, so as to establish a new category of alien claimants eligible for unemployment benefits in conformance with the Immigration Reform and Control Act of 1986, PL 99-603; and to enumerate the categories of aliens eligible for benefits thereunder.

Also:

S. 99. To amend Sections 16-1-18, 16-8-25, 16-12-21, 16-22-9, and 21-1-21 Code of Alabama, 1975, relating to limits on sick leave so as to increase the maximum number of possible accumulated sick leave days from 150 to 180 for educational personnel at the Alabama Institute for Deaf and Blind and in all public city and county school systems.

Also:

S. 256. To establish "The Alabama Legal Services Liability Act"; to define certain terms; to create one form of action and one cause of action against any legal service providers to be known as a Legal Service Liability Action which shall exclusively govern any and all actions for injury or damage

against a legal service provider; to establish the standards of care applicable to a legal service provider in a Legal Service Liability Action and to require that the plaintiff shall have the burden of proving that the legal service provider violated the applicable standard of care; to establish a limitation on the time for the commencement of a Legal Service Liability Action; to provide a procedure for the settlement of disputes by arbitration; to provide that advance payments shall not constitute an admission of liability and that any such payments in excess of the award are not repayable; to provide that the rules of evidence unless specifically changed shall remain the same; to provide for the effect of compliance with or violation of the rules of professional conduct; to provide a procedure for the severance of and for the separate resolution of the Underlying Action in a Legal Service Liability Action; to provide that this act shall apply to all actions against legal service providers based on acts or omissions accruing after its effective date; and to provide that such cause of action shall supersede any inconsistent provisions of law.

Also:

S. 451. Relating to Jackson County; to provide that public park board members may use public park facilities in lieu of expenses and compensation and to ratify and confirm all such prior use of such facilities in lieu of compensation.

Also:

S. 546. Relating to Mobile County, providing further for the deposit of any interest on county funds.

Also:

S. 555. Relating to Fayette County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Also:

S. 560. Relating to Mobile County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the City Federation of Women's Clubs, Incorporated, a non-profit corporation; to make the provisions of the act retroactive to October 1, 1987.

Also:

S. 593. To authorize the Jackson County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 606. To amend Section 1 of Act No. 80-550, H. 977 of the 1980 Regular Session (Acts 1980, p. 859), allowing the Jackson County Commission to contribute a certain amount of public funds to certain rescue squads in the county, so as to provide further for the limit on such contribution to each rescue squad.

Also:

S. 608. Relating to Clay County; directing the county commission, the county board of education and the county hospital to receive the maximum

interest available from any banking institution doing business in the county on their funds normally kept on demand deposit and prescribing certain procedures and requirements to insure that such maximum interest is paid on such funds.

Also:

S. 609. Relating to Clay County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for the Clay County Hospital and Nursing Home and providing for a referendum.

Also:

S. J. R. 49. CREATING THE DISABLED PERSONS PROTECTION COMMISSION.

Also:

S. J. R. 136. MOURNING THE DEATH OF PHILLIP J. HAMM OF ELBA AND DOTHAN, ALABAMA.

Also:

S. J. R. 145. COMMENDING FORMER U. S. CONGRESSMAN JACK EDWARDS AS 1987 MOBILIAN OF THE YEAR.

Also:

S. J. R. 146. NAMING THE EXISTING CREST AVENUE IN THE CITY OF TUSCUMBIA, ALABAMA, IN HONOR OF WILLIAM F. GARDINER.

Also:

S. J. R. 152. CONGRATULATING THE LOACHAPOKA HIGH SCHOOL INDIANS ON THEIR 1988 STATE 1A BASKETBALL CHAMPIONSHIP.

Also:

S. J. R. 156. COMMENDING WILLIAM C. BRADFORD OF HUNTSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE AND CONTRIBUTIONS TO OUR NATION'S SPACE PROGRAM.

Also:

S. J. R. 157. COMMENDING JOE ROBERTSON OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND PUBLIC SERVICE.

Also:

S. J. R. 159. CONGRATULATING COACH MARIO CUMBERLANDER AND THE CHAVALA HIGH SCHOOL WILDCATS ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION TO ADJOURN

Senator Covington offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that when we adjourn, we adjourn to come back at 12:01 A.M. tomorrow 4/11/88.

Which was adopted.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

The question was on the Hand substitute for the Corbett-Foshee substitute for the Bill, which said substitutes are set out in the Journal of the Senate for the Twenty-second Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 589. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92 of the Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 493. To provide a supplement to the salary of each district judge in the Thirty-ninth Judicial Circuit.

Also:

S. 258. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Also:

S. 259. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 540. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

Also:

S. 566. Relating to Shelby County; authorizing the county commission to provide for a certain increase in retirement benefits paid to its retired county employees and providing that such increase shall be financed from the county treasury.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S.B. 484

The Senate proceeded to further consideration of the Bill, S.B. 484. The question was on the Hand substitute for the Corbett-Foshee substitute for the Bill.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 66	S. B. 560	S. J. R. 49
S. B. 99	S. B. 593	S. J. R. 136
S. B. 136	S. B. 606	S. J. R. 145
S. B. 256	S. B. 608	S. J. R. 146
S. B. 451	S. B. 609	S. J. R. 152
S. B. 546	S. J. R. 157	S. J. R. 156
S. B. 555	S. J. R. 159	

Delivered to the Governor April 10, 1988, at 3:40 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, S. B. 484, until Monday, April 11, 1988, at 12:01 A.M.

TWENTY-FIFTH LEGISLATIVE DAY

MONDAY, APRIL 11, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Charles Moore, Deacon, Hall Memorial C.M.E. Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Bill Livingston, Senate Staff, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Langford	Smith (J)

—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-fourth Legislative Day was approved by the Senate.

RULE 17 INVOKED

Senator Ellis requested that Senate Rule 17 be invoked for today.

And the President and Presiding Officer of the Senate ordered Senate Rule 17 invoked for today.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

The question was on the Hand substitute for the Corbett-Foshee substitute.

RECESS

At 1:50 A.M., on motion of Senator Hand, the Senate took a recess until 12 o'clock Noon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Hand substitute for the Corbett-Foshee substitute.

Senator Foshee offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that S. B. 484 and pending substitutes be postponed.

Which was adopted.

RECESS

At 1:25 P.M., on motion of Senator Corbett, the Senate took a recess until 3 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 258. To propose an amendment to the Constitution of Alabama 1901 for Wilcox County to provide further for filling vacancies in certain county offices.

Also:

S. 259. To propose an amendment to the Constitution of Alabama 1901 for Lowndes County to provide further for filling vacancies in certain county offices.

Also:

S. 493. To provide a supplement to the salary of each district judge in the Thirty-ninth Judicial Circuit.

Also:

S. 540. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to provide that said tax shall be levied by the county commission and to grant authority for said levy.

Also:

S. 566. Relating to Shelby County; authorizing the county commission to provide for a certain increase in retirement benefits paid to its retired county employees and providing that such increase shall be financed from the county treasury.

Also:

S. 589. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92 of the Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 162. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That pursuant to Rule 9 of the Senate Rules, the regular order of business is set aside and the following order of business is the paramount and continuing order of business taking precedence over all other matters until disposed of:

Inst Id	Page
H. 839	96
Department of Education, approp.	
H. 837	93
Examiners of Public Accounts, approp.	
H. 829	96
State Building Commission, approp.	
H. 824	94
Alabama Department of Economic and Community Affairs, approp.	
S. 586	74
Economics and Community Affairs Department, appropriation	
H. 825	99
Department of Public Health, approp.	
S. 583	73
Health Dept., appropriation	
H. 826	96
Department of Youth Services, approp.	
S. 587	75
Youth Services Department, appropriation	
H. 827	97
Commission on Physical Fitness, approp.	

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H. 828	94
Alabama Small Business Development Consortium, approp.	
H. 830	98
Department of Finance for the Telephone Revolving Fund, approp.	
H. 831	95
Legislature, approp.	
H. 832	99
Alabama Firefighters' personnel Standards and Education Commission, approp.	
H. 833	100
Office of Prosecution Services, approp.	
H. 835	98
Alabama Law Institute, approp.	
H. 836	95
Alabama State Council on the Arts and Humanities, approp.	
H. 838	97
Space Science Exhibit Commission, approp.	
S. 573	68
Education Department, appropriation	
H. 840	100
Alabama Public Library Service, approp.	
H. 841	101
Department of Mental Health and Mental Retardation, approp.	
S. 484	1
Highway Commission	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	Corbett	Figures	Manley	
Barron	Covington	Foshee	Preuitt	
Bedford	deGraffenried	Goodwin	Rice	
Bedsole	Denton	Hale	Sanders	
Bennett	Dial	Hand	Smith (B)	
Bishop	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard	Horn		—30

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 839, adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Bailey	Denton	Goodwin	Mitchem
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Holmes	Sanders
Cabaniss	Ellis	Langford	Smith (B)
Campbell	Figures	Manley	Smith (J)
Covington			

—28

Nays:

—0

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 839. To make appropriations to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 839, to-wit:

SUBSTITUTE FOR H. B. 839

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of sixteen million two hundred ninety-four thousand one hundred fifty-six dollars (\$16,294,156). Said appropriations shall be expended as is listed below and in Section 3.

- (a) Direct Client Services for the
Handicapped
Crippled Children Services
Program 5,220,313

Homebound
Program 4,000,000
Rehabilitation Services
Program 7,073,843
Of the above appropriation to
Rehabilitation Services Pro-
gram, \$250,000 shall be used
for the Deaf Support Service
Program.

There is also hereby appropriated the sum of three hundred fifteen thousand nine hundred dollars (\$315,900). Said appropriation shall be expended as is listed below and in Section 3.

- (a) Direct Client Services for the
Handicapped
Hemophilia
Program 296,520
- (b) Projects-Vocational Rehabili-
tation/Crippled Children Serv-
ices Program
Eye Injury Register 19,380

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988 said appropriations shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the Alabama Special Educational Trust Fund appropriations provided for in this Act are for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975. (b) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school age children to attend school. (c) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce.

SECTION 3. Of the above appropriations, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from said appropriations by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall also apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any

portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

POINT OF PERSONAL PRIVILEGE

Senator Manley requested that the following Sections of the Code be spread upon the Journal.

CHAPTER 6.

REHABILITATION PROGRAM FOR THE HOMEBOUND.

Sec.	Sec.
21-6-1. Authorized; contracts with state agencies and private organizations.	21-6-3. Eligibility requirements.
21-6-2. Services available to eligible persons.	21-6-4. Attendant care.
	21-6-5. Regional rehabilitation committees.

§ 21-6-1. Authorized; contracts with state agencies and private organizations.

The division of rehabilitation and crippled children service of the department of education is authorized to establish a rehabilitation program for the homebound to provide medical and attendant care and adjustment aids to those handicapped persons who meet certain requirements stated in this chapter. The division of rehabilitation and crippled children service shall be responsible for the administration of the program, but may contract with other state agencies or private organizations in connection with the program. (Acts 1975, 3rd Ex. Sess., No. 109, p. 336, § 1.)

§ 21-6-2. Services available to eligible persons.

Services that may be provided eligible persons, if not available from other sources, include:

- (1) Medical care;
- (2) Adjustment training;
- (3) Attendant care;
- (4) Prosthetic appliances;
- (5) Home health care by health care teams;
- (6) Home modification; provided, that no more than \$1,000.00 shall be expended on any one home in any one year;
- (7) Transportation; and
- (8) Medical supplies. (Acts 1975, 3rd Ex. Sess., No. 109, p. 336, § 2.)

§ 21-6-3. Eligibility requirements.

Services available under this chapter may be provided to any person who:

- (1) Has made application therefor to the director of the division of rehabilitation and crippled children service in the manner prescribed by him;

- (2) Has a severe disability that causes the person to be homebound, such disability to be certified by an appropriate medical specialist;

(3) Has not sufficient income or resources, including family income or resources, insurance, workman's compensation, etc., to meet the cost of home care services applied for, such insufficiency to be determined by a rehabilitation and crippled children service staff member;

(4) Is under the care of a family member who is a potential wage earner and will be relieved to engage in employment outside the home, such circumstances to be certified by a vocational rehabilitation counselor, and such counselor will be responsible for helping place such family member in employment; and

(5) Is a resident of this state. (Acts 1975, 3rd Ex. Sess., No. 109, p. 336, § 3.)

§ 21-6-4. Attendant care.

Attendant care may be provided when (1) the requirements of section 21-6-3 are met and (2) an attendant trained by competent medical and vocational rehabilitation personnel is available to provide the care needed by the homebound person. Nothing in this chapter shall be construed to prohibit a member of the handicapped person's family from serving as an attendant under this chapter. (Acts 1975, 3rd Ex. Sess., No. 109, p. 336, § 4.)

§ 21-6-5. Regional rehabilitation committees.

The director of the division of rehabilitation and crippled children service shall establish as many regional rehabilitation committees as he deems necessary. Each such committee shall be made up of (1) a medical specialist, (2) a vocational rehabilitation counselor, (3) a registered nurse, (4) a physical therapist, and (5) a social worker. Each committee member shall be appointed by and serve at the pleasure of the director of the division of rehabilitation and crippled children service. Such committees shall be responsible for the final determination of the eligibility of each applicant for services provided under this chapter and the type and extent of services needed by such applicant. (Acts 1975, 3rd Ex. Sess., No. 109, p. 336, § 5.)

POINT OF PERSONAL PRIVILEGE

Senator Parsons stated that in his opinion, the preceding Sections of the Code are probably unconstitutional according to the Court's recent decision, and asked that his statement be spread upon the Journal and without objection it was so ordered.

FURTHER CONSIDERATION OF H. B. 839

The Senate proceeded to further consideration of the Bill, H. B. 839. The question was on the Committee substitute.

On motion of Senator Corbett, said substitute was laid on the table.

Yeas 18; Nays 15.

Yeas:

Senators:	Campbell	Foshee	Langford
Amari	Corbett	Goodwin	Menton
Bedford	Covington	Hilliard	Parsons
Bennett	Denton	Holmes	Sanders
Bishop	Figures	Horn	

Nays:

Senators:	Cabaniss	Ellis	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Dial	Hand	Rice	
Bedsole	Dixon	Manley	Smith (B)	—15

Senator Horn offered the following substitute for the Bill, H. B. 839, to-wit:

SUBSTITUTE FOR H. B. 839

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of fourteen million five hundred ninety thousand six hundred seventy-six dollars (\$14,590,676). Said appropriation shall be expended as is listed below and in Section 3.

- (a) Direct Client Services for the Handicapped
 - Crippled Children Services Program 5,220,313
 - Homebound Program 2,000,000
 - Hemophilia Program 296,520
 - Rehabilitation Services Program 7,073,843
 - Of the above appropriation to Rehabilitation Services Program, \$250,000 shall be used for the Deaf Support Service Program.

There is also hereby appropriated the sum of two million nineteen thousand three hundred eighty dollars (\$2,019,380) from the State General Fund for the fiscal year ending September 30, 1988. Said appropriation shall be expended as is listed below and in Section 3.

- (a) Projects-Vocational Rehabilitation/Crippled Children Services Program
 - Eye Injury Register 19,380

- (b) Direct Client Services for the
Handicapped
Homebound
Program 2,000,000

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988 said appropriation shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from said appropriations by the close of fiscal year 1988.

SECTION 3. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall also apply to this Act.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 35; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Parsons	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	—35

Nays: —0

And said Bill, H. B. 839, as thus amended by the substitute, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Denton	Hilliard	Rice	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Cabaniss	Ellis			—33

Nays: —0

POINT OF PERSONAL PRIVILEGE

Pursuant to Section 55 of the Constitution, Senator deGraffenried requested that the following testimony be spread upon the Journal.

**ALABAMA STATE SENATE
COMMITTEE ON FINANCE AND TAXATION**

Committee Hearing**On****Appropriation of Special Education Trust Fund****March 30, 1988****10:30 a.m.****Alabama State House****Montgomery, Alabama****FINANCE AND TAXATION COMMITTEE**

Senator Fred Horn, Chairperson

Senator Lowell R. Barron, Vice-Chairperson

Committee Members present:

Senator Perry A. Hand
 Senator John E. Amari
 Senator Roger H. Bedford
 Senator William J. Cabaniss, Jr.
 Senator Bobby Denton
 Senator Frank Ellis, Jr.
 Senator Michael A. Figures
 Senator Earl Goodwin
 Senator Rick Manley
 Senator Gerald Dial
 Senator Jim Bennett
 Senator Mac Parsons
 Senator Ryan deGraffenried, Jr.

Witnesses:

Rose Sanders with the Black Belt Human Resources Development Center	3
Ronald Jones, Chief Examiner of Public Accounts	10
Jean Johnson with the East Alabama Planning and Development Commission	41
Robert D. Crumpton, Director of the Building Commission	49
Mona Lucas, Director of the Division of Rehabilitation and Crippled Children service	58
Bob McCurley, Director of the Alabama Law Institute	66

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SENATOR deGRAFFENRIED: This is Mrs. Rose Sanders who is the wife of Senator Hank Sanders to speak on behalf of the Black Belt Human Resources. Mrs. Sanders, if you would for the committee, go ahead and give them some insight as to what exactly the Black Belt Human Resources is and what it does?

MRS. SANDERS: Thank you, Senator, and I give my thanks to this committee and the chairperson of this committee and everyone present.

For the past fifteen years, I've worked as a organizer and a volunteer with the Black Belt Human Resources Development Center which is certainly designed to give educational opportunities to children and in some instances women who have not have had the opportunity to reach the height of their potential.

We recognize, being from the Black Belt, that not enough tax dollars in education are always available. While our public educational system, that there are overcrowded classrooms and sometimes children who need special assistance cannot get it through the usual public school system.

So we have designed several programs to meet needs of these children.

First, we have after school programs. Children who need special assistance in math and reading where they receive remediation by volunteer teachers. When we have the money, we pay them.

We always have homework assistance. For children who return to home sometimes, there is no parent there; there is no one there to give them the help and the motivation they need to do homework. We have homework clinics to help these children with their homework.

On another side, we have college preparatory courses. A lot of children from low income families don't even realize they have an opportunity to go to college, that there are government funds to help them to go to college.

Not only do we make them aware of these government funds, but we actually prepare them for test taking, to take the ACT, the SAT exam.

We have writing classes and vocabulary building; anything that is required to position these children so that they they can reach their potential, own potential.

We have so many small programs, and we have so many ongoing programs.

One of our oldest programs what was started ten years ago because we recognized that we were reaching some children too late, we were getting to work with them at the high school level and finding that at that level that they couldn't read.

So it came about to us if they read when they go to public school, we will never have to worry about them graduating not reading.

So ten years ago we started the McRae Learning Center which comes under our umbrella. This school has successfully taught just about every one of its small graduates to read, write, and master basic skills before entering first grade.

That school operates five days a week, and we have approximately a hundred and ten children in that school. And along with the cultural programs,

of course, some of you may have heard of the programs that deal with teen pregnancy and drug abuse.

And our after school system, not only do we use straight academics, but we use motivating activities to teach children about teen pregnancy, drug abuse, and et cetera.

SENATOR deGRAFFENRIED: Would it be fair to say, Mrs. Sanders, that everything that the Black Belt Human Resources does is education related?

MRS. SANDERS: I would certainly say that.

SENATOR deGRAFFENRIED: I mean you have a pre-school program?

MRS. SANDERS: That's right.

SENATOR deGRAFFENRIED: You have an after school tutuorial program?

MRS. SANDERS: Yes.

SENATOR deGRAFFENRIED: You have a college preparatory program?

MRS. SANDERS: Yes.

SENATOR deGRAFFENRIED: So everything that you do is education related. And the total amount of the appropriations from the State of Alabama is twenty-five thousand dollars; is that correct?

MRS. SANDERS: That's correct.

And without it, we are definitely in trouble because most of our services are free to children. We very seldom charge for the after school tutuorial programs. There is a charge in some instances for the pre-school program, but we operate way below budget so we desperately need these funds.

SENATOR deGRAFFENRIED: Mr. Chairman, I don't have any further questions of Mrs. Sanders.

SENATOR BARRON: Senator Hand?

SENATOR HAND: Mrs. Sanders, what is your total budget?

MRS. SANDERS: Our total budget, I am not certain, Senator, but it's less than two hundred thousand dollars.

SENATOR HAND: And all the money you get from the State is just twenty-five thousand?

MRS. SANDERS: No.

SENATOR HAND: Twenty-six thousand dollars?

MRS. SANDERS: No, we get money through the Department of Human Resources for children who qualify for child care services.

SENATOR HAND: Uh-huh (affirmative).

MRS. SANDERS: Those children they get their payments for that.

SENATOR HAND: But as far as the Education Trust Fund is concerned?

MRS. SANDERS: That's all we get,

SENATOR HAND: You get twenty-six thousand dollars to take care of all of those programs you got?

MRS. SANDERS: Along with the money that we get from DPS to take care of part of that program.

SENATOR HAND: Would you say that all the money you get from the Education Trust Fund is spent towards educational purposes?

MRS. SANDERS: Certainly.

SENATOR HAND: Thank you.

MRS. SANDERS: Yes. We do generate money from activities that we give with our plays and et cetera.

Is that all?

SENATOR deGRAFFENRIED: That's all I have.

SENATOR BEDFORD: Mr. Chairman—I mean Mrs. Sanders, let me ask you this because y'all got a very good program down there.

But aren't some of the expenses that you incur with your department, aren't they normal, ordinary, operating expenses involved in running these programs?

MRS. SANDERS: Oh, yes.

SENATOR BEDFORD: Okay. In other words, you have to pay your utility bills and have to buy supplies and that type of thing—

MRS. SANDERS: That's correct.

SENATOR BEDFORD: —for it. And so some of this money then doesn't go directly towards those children, but its indirectly spent on them by buying the supplies and things that they need to operate those?

MRS. SANDERS: And without those supplies, they—we couldn't educate them.

SENATOR BEDFORD: Right.

MRS. SANDERS: Yeah.

SENATOR BEDFORD: Okay. So are the funds that you are going to receive, the twenty-five thousand or twenty-six thousand dollars, directly under this appropriation rolls, is that co-mingled in any way with your other funds?

MRS. SANDERS: We try to keep separate accounts for the money that we get from the State, from the State. It's in a separate account.

SENATOR BEDFORD: But it's spent for the general operating expenses as well?

MRS. SANDERS: Yes, it is.

SENATOR BEDFORD: Okay, thank you.

MRS. SANDERS: But primarily targeted—if you look at our budget for this, most of the funds will be used to pay teachers directly. I think there is about ninety percent of that budget is directed at the payment of teachers directly.

SENATOR BEDFORD: Thank you; thank you.

SENATOR deGRAFFENRIED: Excuse me.

Mrs. Sanders, of these state funds, ninety percent of them go to pay teachers?

MRS. SANDERS: That's correct.

SENATOR deGRAFFENRIED: Directly?

MRS. SANDERS: That's my best estimate. I think there is another ten percent for some travel and some supplies and et cetera.

SENATOR deGRAFFENRIED: Of course, in the public schools, we use taxpayer's dollars to pay lights, electricity, water, things of that nature also in the public schools?

MRS. SANDERS: Yes, because the children sure couldn't read if they couldn't see.

SENATOR deGRAFFENRIED: Thank you.

MRS. SANDERS: Thank you.

SENATOR HORN: Thank you, Attorney Sanders.

Next, we have is House Bill 837. Senator Parsons, will you bring that bill on?

SENATOR HORN: Let's recognize Senator Parsons.

SENATOR PARSONS: Ron, tell us who you are and who you work for? What your department does?

MR. JONES: I'm Ronald Jones, the Chief Examiner of Public Accounts, and I work for you folks, the legislature.

We are empowered and required to audit all state and county entities with the exception of the city boards of education which we may audit upon request.

SENATOR PARSONS: And I think—don't you have a document or something that has listed some of the audits that you do?

MR. JONES: Yes, sir. I've a document here that explains basically some of the things I do.

SENATOR PARSONS: Do you have a copy of it? Have you handed it out to the committee?

MR. JONES: No, sir, I haven't.

SENATOR PARSONS: Do you have enough copies?

MR. JONES: No, sir, I don't.

SENATOR PARSONS: Well, go over it for us and tell us some of the people that you audit?

MR. JONES: Okay, sir. As far as education entities, is that what you are particularly interested in, like the sixty-seven county boards of education, the thirteen state supported universities, including the hospital at UAB, and

all of those attendant operations there. The chancellor's office of the University of Alabama systems, eight Community Colleges, thirteen junior colleges, twenty-one technical colleges, and eight—I believe I said community colleges—Athens State Senior College, Institute for the Deaf and Blind, Marine and Environmental Sciences Consortium, and the City Boards of Education, I had mentioned earlier upon request.

And at the state level, we audit the Commission on Higher Education, the Department of Post Secondary education, the State Department of Education, and all the related programs associated with the State Department.

The Education Reform Commission, Educational TV, Educational TV Foundation Authority, The High School of Fine Arts, Higher Education Loan Corporation, Education Health Insurance Board, the Public School and College Authority, and The Trade School and Junior College Authority.

SENATOR PARSONS: You've been before the legislative committees before?

MR. JONES: Yes, sir, I have.

SENATOR PARSONS: You are a state employee?

MR. JONES: Yes, sir.

SENATOR PARSONS: Actually, you are an employee of us, the legislature?

MR. JONES: Yes, sir, that's correct.

SENATOR PARSONS: Okay. Have you ever on past occasions ever come before a legislature committee and told anything but the truth?

MR. JONES: Not to my knowledge.

SENATOR PARSONS: Good answer. I don't have any other questions.

Anything else you would like to add to help this committee determine whether funding for your department should come either from the Education Trust Fund or the General Fund?

MR. JONES: Well, I can offer you what I remember hearing discussed in years past about why we should be funded from the Special Education Trust Fund.

And I've already heard it mentioned in one earlier discussion here, is that the audit expense is viewed or was viewed by those individuals at that time as an administrative expense like paying salaries of the State Superintendent of Education, the salaries of the County Superintendents of Education, and all of the administrative salaries that are in the educational entity that we audit.

SENATOR HAND: Mr. Chairman?

In your department, what kind of budget do you get from the State Education Trust Fund?

MR. JONES: A little over four million in this current year. I was slated to get that before the court action.

SENATOR HAND: But somewhere around four million dollars?

MR. JONES: Yes, sir.

SENATOR HAND: What's your total budget?

MR. JONES: Right around eight million.

SENATOR HAND: So you've about eight million total budget. Okay. Do you—can you testify to us today that the four million dollars that you get from the Education Trust Fund, do you actually spend that much money auditing educational-type accounts?

MR. JONES: Yes, sir, in the attendant expenses that go with that. Like we do quite a bit of the legal research for the educational entities. They call in, they ask questions about, "Can I spend this for this item? Can I spend it for that?"

SENATOR HAND: So what your testimony is though, you do spend your four million dollars that you get from the Trust Fund auditing and direct expense related to auditing educational-type accounts?

MR. JONES: Yes, sir, and all the attendant requirements, would be in answering questions for employees.

SENATOR HAND: That's all I have, Mr. Chairman, thank you.

SENATOR ELLIS: Mr. Chairman?

SENATOR HORN: Senator Ellis.

SENATOR ELLIS: Ron, in the course of conducting your audit—this is an elementary question, I guess—it's part making a point and part asking a question—but when you conduct an audit of an educational institution, and I assume you do higher education as well?

MR. JONES: Yes, sir.

SENATOR ELLIS: The four-year universities and the colleges and the two-year universities and colleges, all higher education, public education in the state?

MR. JONES: Yes, sir.

SENATOR ELLIS: And when you conduct an audit, I assume you are checking in addition to other things for checking and controlling the expenditure of funds that are allocated directly to that university for the use in the classroom, paying of particulars and other expenses incurred incidental to that?

MR. JONES: Yes, sir.

SENATOR ELLIS: And checking the legality and the sufficiency of justification of those expenditures?

MR. JONES: Yes, sir. One thing that points on that directly is in this current years Special Education Trust Fund Act, there is a requirement that those local superintendents sign an affidavit for specific monies. I believe, it's vocational supplies and I forget the term used for the other one.

But there is some very specific requirements in this current fiscal year of those local superintendents of education.

SENATOR ELLIS: Is that required by statute?

MR. JONES: Yes, sir. It's in the Appropriation Act itself.

SENATOR ELLIS: Oh, and would that, in turn, would that be an application that you would monitor, that your department would monitor?

MR. JONES: Yes, sir, it's in that Act, and we would have to look at it.

SENATOR ELLIS: Have you saved any money in these schools or prevented any improper expenditures designated by this legislature to go to educational instructional purposes and other parts then that goes back in and supplements and strengthens that budget?

MR. JONES: Yes, sir. If we audited, say, a university and they had misspent funds, then it would probably in all cases be deposited back into their funds at the university.

SENATOR HORN: Senator Figures?

SENATOR FIGURES: Yes, sir.

Mr. Jones, when was your office created?

MR. JONES: 1947.

SENATOR FIGURES: And what is—do you know the citations of the statute—do you know?

MR. JONES: I believe it's titled 41 Chapter 5.

SENATOR FIGURES: Does it have a purpose statement?

MR. JONES: Yes, sir. But I don't recall it from memory.

SENATOR FIGURES: You don't recall it from memory?

MR. JONES: No, sir.

SENATOR FIGURES: When did you first start receiving funds from the Special Education Trust Fund Budget?

MR. JONES: Approximately ten years ago, Senator.

SENATOR FIGURES: Okay. Prior to the time that you received funds from the Special Education Trust Fund budget, did your office conduct the same activities that you say they are conducting now with respect to the auditing of these educational institutions?

MR. JONES: No, sir. And the one reason we didn't—in 1984, we begin auditing for federal audit and reporting compliance.

SENATOR FIGURES: When then—does that mean that your office began to audit educational institutions in 1984?

MR. JONES: No, sir. That means that we expanded what we were already doing in those audits.

MR. FIGURES: When did you began to audit educational institutions?

MR. JONES: When we first began, I imagine was back in 1883, whenever, this was another function of government and was not directly under the legislature.

SENATOR FIGURES: I am getting very confused.

MR. GOODWIN: That's before I was born.

SENATOR FIGURES: Let me see if I can understand you correctly. Now, you said that you have been funded through the Special Education Trust Fund for ten years?

MR. JONES: Approximately ten years.

SENATOR FIGURES: Approximately ten years. Now, prior to 1978, just for the sake of this discussion, let's make 1978 the target date, prior to that date, did your office conduct the same activities with respect to auditing educational institutions that it now conducts?

MR. JONES: Yes, sir. With that exception that I just told you about.

SENATOR FIGURES: And what is that?

MR. JONES: That's an expansion of the audit procedures and reporting requirements that are required by the various federal agencies.

SENATOR FIGURES: Okay. But eliminating that for the moment, you did audit these sixty-seven county boards of education and during a time prior to 1978, back to 18—whatever you created?

MR. JONES: '83.

SENATOR FIGURES: That was done exclusively with funds from the General Fund?

MR. JONES: Senator, I've not researched that far back, but to my knowledge that year that you just mentioned, 77-78, was the first year that I am personally aware of that we started receiving appropriations from the Special Education Trust Fund.

SENATOR FIGURES: Then it follows, that to your knowledge prior to that time, you were receiving funds from the General Fund?

MR. JONES: To the best of my knowledge, Senator.

SENATOR FIGURES: Okay. When did you start working for the agency?

MR. JONES: Eighteen years ago, Senator.

SENATOR FIGURES: Okay. Do you know how the decision came about to give your office money from the Special Education Trust Fund?

MR. JONES: Well, I can only tell you what I remember being discussed, Senator, and that was what I just explained that we reviewed as an administrative cost of the various educational entities.

SENATOR FIGURES: Okay. But you were created by the legislature?

MR. JONES: Yes, sir. In 1947, we became a legislative entity.

SENATOR FIGURES: And to whom do you report?

MR. JONES: I report to a legislative committee.

SENATOR FIGURES: And what is that legislative committee?

MR. JONES: That is the—the Lieutenant Governor is the Chairman, The Speaker of the House is vice chairman, five senators, and five house members that are elected as the members, I believe, of the Building Commission are, in the first part of the regular session of each of each quadrennial.

SENATOR FIGURES: What happens to the reports you make to these committees, to this committee?

MR. JONES: To the Legislative Committee on Public Accounts?

SENATOR FIGURES: Right, right.

MR. JONES: Well, we are required to make certain distribution of them, and we have a meeting and explain, you know, that, what has gone on and what has been done.

SENATOR FIGURES: Okay. If you find an audit discrepancy or determine that something should be disallowed in the audit at, say, The University of Alabama, what happens at that point? What happens with that determination? You report that to the legislative committee that you just discussed?

MR. JONES: We usually disseminate copies of these reports to quite an array of a number of people, Senator.

SENATOR FIGURES: Okay. You disseminate your reports, and you've got a million dollar audit disallowance, say, for the University of Alabama, how do you go about collecting that money?

MR. JONES: Okay. We inform the University that it's our opinion that they need to repay these monies. If they don't think that they are, then we have an administrative hearing that's provided for in that statute you have in your left hand there.

And we go through from that and if it's not paid at that point, if it's a state entity, we certify it to the attorney general for collection.

If it's a county or city entity, then we certify it to the district attorney in that area for collection?

SENATOR FIGURES: Does it take any action from this legislative committee to trigger that process?

MR. JONES: No, sir. I believe it's all provided for in that statute there.

SENATOR FIGURES: But you report to the legislative branch of government?

MR. JONES: Yes, sir.

SENATOR FIGURES: Well I presume that the money that you collect from these universities goes back to what, where?

MR. JONES: It's usually restored to the fund from which the mis-expenditure was made.

SENATOR FIGURES: From which it came?

MR. JONES: Yes, sir.

SENATOR FIGURES: Do you happen to have a line item budget office for your office with you showing how every dollar, this four million and something dollars that you get from the Special Education Trust Fund is spent?

MR. JONES: Not with me this morning, I don't.

SENATOR FIGURES: Do you have it?

MR. JONES: At the office, we have a report.

SENATOR FIGURES: You say a report?

MR. JONES: Yes, sir.

SENATOR FIGURES: Do you have a budget that shows line item, by line item how this particular four million dollars is spent?

MR. JONES: Okay. Let me understand we would have an educational audit account if that's what you are talking about.

SENATOR FIGURES: You have an educational audit account?

MR. JONES: Yes, sir.

SENATOR FIGURES: And does it show how much—does it show all of this four point—whatever it is—million dollars?

MR. JONES: Well, it would at the end of this fiscal year; see, since we've not completed that and this amount is being contested now. No, sir, it would not show all of that as being spent, of course.

SENATOR FIGURES: But the budget you submitted presumably would have shown how you were going to spend this money for your educational audit division—you have an education audit division?

MR. JONES: Yes, sir.

SENATOR FIGURES: And the budget you submit to the legislature during budget hearings show that line itemization of this four million dollars?

MR. JONES: I believe that it has some detail in there, Senator.

SENATOR FIGURES: It does have some detail?

MR. JONES: Yes, sir.

SENATOR FIGURES: Is any of that money used to pay salaries?

MR. JONES: Yes, sir, it sure is.

SENATOR FIGURES: How do you determine how much of that money that you pay salaries—well, let me ask you this: Do the people who work in your audit division do anything else in your office, in your educational audit division?

MR. JONES: They just do audit; it's their prime function.

SENATOR FIGURES: Did they do any audits beyond, outside of education?

MR. JONES: Not in that division, no.

SENATOR FIGURES: So you have an educational audit division that only audits?

MR. JONES: Educational entities.

SENATOR FIGURES: Okay. And it does nothing else?

MR. JONES: No, sir.

SENATOR FIGURES: Could you produce for this committee, a copy of your budget showing with detail how these dollars are spent?

MR. JONES: I'll have to compile that, Senator.

SENATOR FIGURES: How, how do you know whether this money is being spent only in the education division or not?

MR. JONES: It's being spent for educational purposes. We spend money for education beyond the education division, Senator.

SENATOR FIGURES: Do you keep this money in a separate account from the money you get from the General Fund, the other four million dollars?

MR. JONES: We have an internal, you know, report that we use to track how much is spent in the education audit.

SENATOR FIGURES: Do you keep a separate account with this education money as distinguished from the General Fund money that you get?

MR. JONES: In our internal records.

SENATOR FIGURES: Do you keep a separate account?

MR. JONES: In our internal records. The appropriation, Senator, if this may help, is a transfer from the Special Education Trust Fund. That's the way it has operated to the General Fund and then expenditure from there.

SENATOR FIGURES: I think that's all I have for now, Mr. Chairman.

SENATOR BARRON: Senator Dial?

SENATOR DIAL: Ron, if you didn't perform the federal required audit, do you have any idea what we would be looking at in as a loss of funds in federal education dollars to the state?

MR. JONES: No, sir. I don't have an aggregate figure, but it would be quite substantial would be my guess.

SENATOR DIAL: What you do is required to be done so that we can get those federal funds; is that correct?

MR. JONES: Yes, sir. Those requirements have to be satisfied by the federal funding agencies, and we've not had any problems to date by them accepting our audits.

I have one—a letter—that doesn't pertain to education, but, just for example, from the Department of Interior, and I considered it pretty complimentary. It says, "That you've met—your report has met the federal reporting requirements and things of that nature."

SENATOR DIAL: If this legislature determined that we were not going to fund you out of education and we didn't want you to do anymore educational auditing, then we'd lose substantial federal funds as a result of that in your estimation?

MR. JONES: That is a possibility.

SENATOR BEDFORD: Mr. Chairman?

SENATOR HORN: Senator Bedford.

SENATOR BEDFORD: Thank you, Mr. Chairman.

Ron, I appreciate you coming over here and helping us in our legislative finding and public hearing, whatever this 50-B Hearing is going to be eventually called.

But now as I understand your testimony, you are not required by law or by your charter to audit city schools of education?

MR. JONES: There are certain circumstances, Senator, that we do go in and audit. It's usually by request.

SENATOR BEDFORD: You are not required to do it?

It's a permissive type thing by request; is that correct?

MR. JONES: That is accurate.

SENATOR BEDFORD: Now, you also audit a host of other agencies, do you not, from the Board of Registrars to county governments?

MR. JONES: Yes, sir.

SENATOR BEDFORD: Could you please, for the record, give us several of those examples?

MR. JONES: Well, the county commissions, the Probate Offices, the assessors, the collectors, revenue commissioners, every level of county government the courts and things of that nature, the same through the state entities too, Senator. All levels.

SENATOR BEDFORD: All right. Now, isn't it a fact from that the money that you receive in your account to do that and the money that you receive in this education account that you set up, you don't—you don't set your budget up to do four million dollars worth of education audits and just stop when that four million is used up, do you?

MR. JONES: No, sir, if it takes more we go over that.

SENATOR BEDFORD: All right. If it takes more, do you not just co-mingle that with fund then and draw it out of your General Fund appropriation?

MR. JONES: We would just probably move more of the General Fund appropriation over to there and expend it.

SENATOR BEDFORD: So you would then transfer those funds and co-mingle them?

MR. JONES: There is a possibility that I might have to supplement those funds.

SENATOR BEDFORD: All right. Have you ever had it where you've had to do it in reverse? Where you have found that your General Fund appropriation was insufficient for your needs and you've had to draw from the Education whatever that amount was in that given year that came out of the Special Education Trust Fund?

MR. JONES: I don't recall that, Senator.

SENATOR BEDFORD: But would you do that if that that occasion arose?

MR. JONES: If I had to, I would.

SENATOR BEDFORD: So there is nothing to prevent you from drawing from one fund or the other as the need presents itself?

MR. JONES: No, sir.

SENATOR BEDFORD: All right. Now, let me ask you this: Senator Dial asked a question about the fact that you are required by the federal government to perform that federal aspect of the law, but isn't it a fact that you are not required to do that out of education money. That if we chose to fund you strictly out of the General Fund appropriation and not the Special Education Trust Fund, you could still, in fact, perform those audits?

MR. JONES: The federal legislation does not cite a source of funding. They just say the states will satisfy this criteria. I don't think they honestly care where the funding comes from.

SENATOR BEDFORD: So you could get that from any source available to you, given to you in your appropriation?

MR. JONES: Yes, sir.

SENATOR BEDFORD: All right. Let me ask you this then. You are not claiming that the money we give you out of the Special Education Trust Fund is a direct relationship to how much money is spent of a per pupil expenditure for education, are you?

MR. JONES: I haven't done any analysis of a per pupil type expenditure, Senator.

SENATOR BEDFORD: Well, isn't it a fact that the money we give you out of education, at the very best, gives an indirect benefit to the educational process, and that you simply are auditing and looking for misuses of funds?

MR. JONES: We are, in fact, auditing and looking for misuses of funds. And as I stated earlier, some of the earlier deliberations on this fact, in fact, viewed us as an administrative-type expenditure again, you know, like the various salaries for the administrators in the education industry.

SENATOR BEDFORD: Right. Well, Ron, I am asking you, in your opinion, it's not your testimony for the record and before this committee, that the money we give you provides a direct benefit that should be the per pupil expenditure of children for the Frankling County School System or any other school system?

MR. JONES: I think you asked me a question I'm not prepared to answer today, Senator. I have not computed that.

SENATOR BEDFORD: But it would be your testimony then that you think you, at least, provide an indirect benefit to them?

MR. JONES: Yes, sir, certainly.

SENATOR BEDFORD: Thank you, Ron. Thank you, MR. Chairman.

SENATOR BARRON: Senator Hand.

SENATOR HAND: Ron, I've noticed that the questions as we get around, it seems like that the number of questions increased with the number of squares based on the number of attorneys sitting around the table.

We have some very good attorneys here that's put the questions to you. But mine is just a basic old country-type question, understand. I can't compete with these lawyers, these steel traps for minds that we have sitting around the table here.

SENATOR BEDFORD: Would you please put that on the record.

SENATOR HAND: But what I was wondering is this. You know, we were talking about how far the fund goes back, how long you've been drawing money for the Education Trust Fund and whatnot.

When was the Education Trust Fund established?

MR. JONES: I had heard—

SENATOR HAND: Excuse me, at one point in time, we only had one fund in this state, it is my understanding, and it was the General Fund. I would like to know when it was we established the Education Trust Fund to be able to draw monies out of

MR. JONES: I heard that it was 1927 in earlier discussions.

SENATOR HAND: 1927?

MR. JONES: That's what I understand, Senator.

SENATOR HAND: Thank you, sir.

SENATOR BARRON: Senator Amari.

SENATOR AMARI: Thank you, Mr. Chairman. Ron, I want to follow up on something that Senator Bedford asked you. You didn't seem quite prepared and I can appreciate anybody not being prepared for all of the questions you might get here today.

But one Chief Justice wrote an opinion, where, wrestling with, said that he gave some terms, some words that he thought might be controlling. I think he was not concurred with by all the other justices.

But my question is, to use his language, do you think the monies that you receive, have a direct, immediate, and primary use that embraces the systematic instruction in any branch of learning from which a substantial public benefit is derived?

MR. JONES: That's two mouthfuls there, Senator.

SENATOR AMARI: All right. Let me just ask you direct, then. Do you think—condense it a little bit—do you think that the monies that you receive have a direct benefit on some systematic training in learning?

MR. JONES: I think without our audit effort, you would not know as a lawmaker where the monies that were appropriated in this Special Education Trust Fund Act or any others went or was spent for.

Likewise the feds would not have any report of single audit they call the document to let them know what was spent in the name of education in our state. Now, I can't make a legal determination for you, Senator.

SENATOR AMARI: Well, this really isn't a legal determination. There's no question that you have convinced me that what you do has a significant, indirect effect on education and a lot of other services.

But I am trying to find from some of the folks who are going to be here today if you have any direct effect on education? Do you see any public benefit in any direct way or is there any branch of learning directly being impacted by your funding or is it indirect?

MR. JONES: You've asked me a very tough question. I was hoping—

SENATOR AMARI: Well, think about it a second.

MR. JONES: I was hoping that that's what this information you are gaining from me and others would help y'all to decide if it was direct or indirect.

SENATOR AMARI: Well, it would help me, Ron.

MR. JONES: We don't provide any classroom instruction. We again do the auditing that examines and presents and reports how the funds were used and what they were spent for. And if there is any mis-expenditure, errors that were made, and make recommendations and examinations of legal compliance.

SENATOR AMARI: All right. And you do a very good job with that, and we appreciate it.

MR. JONES: Thank you.

SENATOR AMARI: But I am trying to find from you if you believe, from probably the best position to know what your department does, if you feel like you are having a direct as opposed to indirect effect on a branch of learning for the public benefit.

And you appear to be saying that yours is more indirect. You are proud of your input. Would you say I'm correct, when I characterize your conclusion, it's indirect?

MR. JONES: Well, let me ask you this question first, Senator. If you are interpreting direct as as classroom instruction, we don't do that.

SENATOR AMARI: That's—

MR. JONES: If that's your interpretation?

SENATOR AMARI: Well, no, I am not asking you for my interpretation. I thank you, Ron.

SENATOR deGRAFFENRIED: Mr. Chairman?

SENATOR BARRON: Next, Senator deGraffenried has some questions.

SENATOR deGRAFFENRIED: Ron, don't sit down.

MR. JONES: I am sorry; excuse me, Senator.

SENATOR deGRAFFENRIED: That's all right. Now, how long have you been in charge of the Examiners of Public Accounts?

MR. JONES: Since October '82.

SENATOR deGRAFFENRIED: All right. And prior to that, you have worked as an auditor?

MR. JONES: I have worked as an examiner of public accounts.

SENATOR deGRAFFENRIED: All right, sir. What percentage of your budget—you get eight million dollars in total appropriations—is that correct? Four million from the General Fund and four million from the Special Education?

MR. JONES: A little less than four million, but that's round figures.

SENATOR deGRAFFENRIED: Round figures. What percentage of your time in the Examiners of Public Accounts is spent auditing, for example, the county school boards, institutions of higher learning, junior colleges and technical schools? What percentage of your budget?

MR. JONES: Well, you said time and budget?

SENATOR deGRAFFENRIED: Well, dollars. Let's talk about dollars?

MR. JONES: Well, with this amount here, it would be roughly half; sometimes it's a little more.

SENATOR deGRAFFENRIED: All right.

MR. JONES: Now, as far as total resources, I would estimate it would be slightly over half because we get just thousand of calls by the telephone from the education administrators, the attorney general's office, sometimes the US Attorney, all manner of people wanting to know about questions and restrictions on expenditure of funds.

SENATOR deGRAFFENRIED: All right.

MR. JONES: And a great number of those are educational entities.

SENATOR deGRAFFENRIED: I am not trying to put words in your mouth, but would it be fair to say that at least fifty percent of your dollars and your time are spent relating to education?

MR. JONES: That's my estimate, sir.

SENATOR deGRAFFENRIED: Of your total time and your total budget. All right, that's all.

SENATOR BARRON: Senator Manley.

MR. MANLEY: Ron, Following on Senator Amari's questions about the auditing process and whether it's direct or indirect, if you did—well, let me back up and put it this way—is there a statute that boards of education and institutions have to have an annual audit?

MR. JONES: There is a statute that addresses those audits. Now, our legislation, all entities, in essence—I paraphrase it—of entities within the county and the state.

MR. MANLEY: If you did not conduct the audits, would they be audited? Are they required to be audited by someone?

MR. JONES: I believe that they are, and I know that they would be by the federal programs having to have an audit.

MR. MANLEY: Having served on a school board, I know that we were initially doing it by an outside audit?

MR. JONES: Yes, sir.

MR. MANLEY: And your organization later did it?

MR. JONES: Right.

MR. MANLEY: So if you did not do that and these funds are not expended, school funds would have to be expended from some other source to have that audit conducted, would they not?

MR. JONES: There would have to be an audit conducted.

MR. MANLEY: And those educationl funds would thus be deprived from the classroom or some other use for education, would they not?

MR. JONES: They would be withheld or, you know, negated or, whatever.

MR. MANLEY: I understand.

MR. JONES: I mean they would be required to be paid to someone if this fund wasn't established so you could do school audits?

MR. JONES: Yes, sir.

SENATOR BARRON: Gentlemen, we've got to move on.

SENATOR FIGURES: I have two questions.

SENATOR BARRON: Well, Senator, you've already asked a number of questions. And I am not going to cut anybody off, it's just that I'm urging you to keep us from running into the wee hours of the day. We've got to speed this up. So be as brief as you can. I urge you to do that.

SENATOR FIGURES: I have two questions. How is your agency different from the State Auditors Office?

MR. JONES: We are the legislative audit entity and some of the requirements in our statute are different, Senator.

SENATOR FIGURES: You are a legislative audit entity?

MR. JONES: Exactly.

SENATOR FIGURES: Okay. Therefore, if you are the legislative audit entity, then the expenses for your office would logically would be an expense of the legislature; isn't that correct?

MR. JONES: Well, it's dependent on how you view that. We are listed in the Appropriation Act close to the first there, close to the legislative branch.

SENATOR FIGURES: In fact, you are listed under the legislative branch of government, aren't you?

MR. JONES: Yes, sir.

SENATOR FIGURES: Then, in your opinion, then would the Constitution Provision, Section 71 which makes this statement apply: The General Appropriation Bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of state government?

As I read that provision, it seems to me that your office should be funded under the General Fund, under the General Appropriation Bill, if, you are, in fact, a legislative entity and expenses of your office are legislative expenses. Do you agree with that interpretation of the statute?

MR. JONES: That's a legal interpretation, Senator.

SENATOR FIGURES: Thank you.

MR. JONES: I agree that I am a legislative entity.

SENATOR BARRON: All right. Who was next? All right; no other questions. Thank you very much, Mr. Jones.

SENATOR BARRON: The next bill coming up will be the ADECCA. There is several programs under ADECCA, East Alabama Child Development being first.

All right. Senator Ellis, 824 is the bill.

SENATOR ELLIS: Mr. Chairman, there are several of those projects?

SENATOR BARRON: Right. How do you want to call those?

SENATOR ELLIS: Well, Ryan has already covered one, and I guess what we'll do is proceed to take whatever testimony or statements we are going to take, and then sometimes we would move it all in. We'll have a vote up and down.

SENATOR BARRON: We'll vote on the bills after we've had all testimony later this afternoon. So who do you wish to call first, East Alabama?

SENATOR ELLIS: East Alabama, yeah.

SENATOR BARRON: Would you identify yourself, ma'am?

MS. JOHNSON: Yes, I am Jean Johnson with the East Alabama Planning and Development Commission. A cog agency, a public agency.

SENATOR ELLIS: Jean, in a minute I am going to ask you to make sort of a brief opening statement defining the active purposes of your agency. But tell us when you say it's a cog agency, what are you talking about?

MS. JOHNSON: Counsel of Governments, if it's the old LDD Local Development District.

SENATOR ELLIS: Well, now, is that set up under state law?

MS. JOHNSON: Yes, it is.

SENATOR ELLIS: And your particular commission, the counsel is, the name of it is?

MS. JOHNSON: The North—Northeast.

SENATOR ELLIS: If you would, tell the members of the committee, Jean, something about the activities of your particular agency, your particular program, and relate specifically, if you would, to any educational components of your activities?

MS. JOHNSON: All right. With your permission, I would like to—I know your time is short, and because I want to get as much in on our educational component as possible, I would like to call on two of my program directors to speak to this issue. Is that permissible?

SENATOR ELLIS: That would be all right. Who do we have, Jean?

MS. JOHNSON: Mary Lynn Porter and Mary Davis.

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SENATOR ELLIS: Okay. If you would, maybe both come up so you can—

MR. PORTER: We are here.

SENATOR ELLIS: Okay. Give your name, please, and, if you would, address the questions, please?

MS. PORTER: Yes. I am Mary Lynn Porter. East Alabama Child Development program provides educational child care services for twenty-five hundred, approximately, twenty-five children from low income families.

I think the best way to address our purposes is to report to you a situation in which we were involved a number of years ago which was similar to this, when I applied for educational status from the IRS.

SENATOR ELLIS: Do you have educational status with the IRS?

MS. PORTER: Yes, sir. They came and did a study of our agency and provided us with this status based on the fact that we proved that we met the following criteria.

One was that we have a consistent enrollment.

Number two was that each student that came to us was provided and assigned to a specific space that was designed for learning. And Number three was that—

SENATOR ELLIS: Regular classroom space?

MS. PORTER: Yes, sir.

And Number three was that in fact there was a planned curriculum that followed a daily schedule. We proved to them and therefore received this status that we met all three of these criteria. Now, and that we were, and their determination was that we were primarily educational.

Now, when a parent enrolls their child with us, the necessity for child day care is, in fact, there, because a parent has to have child care in order to be employed.

But the hopes and the dreams for this, that this parent has for her child or his child when they are enrolled with us are in fact developmental and educational.

And let me assure you that from the moment that a child is enrolled with us and enters our front door of our center, our staffs' purposes and goals for this child are primarily and directly educational.

SENATOR ELLIS: You said you had scheduled attendance. You mean, you don't have drop-in baby sitting-type services on a day in day out basis?

MS. PORTER: Absolutely, absolutely. We have full-time children that attend full-time because we feel like in order to have drop in care would lower our educational component, quality of our educational component.

SENATOR ELLIS: Do you have a regular classroom schedule?

MS. PORTER: Absolutely.

SENATOR ELLIS: And you have a regular core curriculum, if you would that you teach?

MS. PORTER: Absolutely. And Ms. Davis has a list of the sort of things that we teach.

SENATOR ELLIS: And what part of the money that is in this appropriation is used, if any, for salaries for teachers and instructional personnel?

MS. DAVIS: A hundred percent of the money that is received from the Special Education Trust Fund goes to teacher's salaries.

SENATOR ELLIS: Your name, for the record?

MS. DAVIS: I am Mary Davis, and I am executive director of the Marshall-Dekalb Cherokee Child Development Program.

SENATOR ELLIS: One hundred percent of this money is used for—

MS. DAVIS: One hundred percent of this money was used for teacher's salaries, right.

SENATOR ELLIS: And I interrupted you, I believe, as you were coming up.

MS. DAVIS: Right. We were going to address the curriculum that is a planned curriculum that we do. We teach reading readiness, we teach language skills, we teach math readiness. We teach social skills.

We directly teach letter recognition, color recognition, shape recognition. We just teach these children vocabulary pronunciation.

We teach these children manners. We teach them to take turns. We teach them to follow directions. Everything that we do with these children during the day is a direct educational child development skill.

SENATOR ELLIS: I believe that's all, Mr. Chairman. I think you've covered it very well.

MS. PORTER: Thank you.

SENATOR DIAL: Very enlightening, Ladies, thank you.

SENATOR BARRON: Any questions, they would be glad to respond.

SENATOR FIGURES: I don't have any questions about whether the program is educational in nature. I do have a question about the bill that we are dealing with, and I don't think they can answer it. You may be able to answer it.

This House Bill 824 appropriates—is that the one we are dealing with, the house bill?

SENATOR BARRON: That's correct.

SENATOR FIGURES: This bill appropriates money from both the General Fund and the Special Education Trust Fund to all these agencies?

SENATOR ELLIS: There are six, I think. Now, we might have one of these ladies have to come back up and tell us how the money gets from ADECCA to your—that's not your question.

SENATOR FIGURES: No, I am not concerned about that, their, program. I'm concerned about whether this bill violates the two subject provision of the Alabama Constitution, Section 45. The way I read the Court's opinion,

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you can't have one bill appropriating money to the General Fund and the Special Education Trust Fund.

SENATOR ELLIS: I have not addressed those legalities of the bill. I would like to ask how this money gets, how it gets into your program.

MS. JOHNSON: The East Alabama, the cog agency requests the money from ADECCA. We have a contract with ADECCA to receive the funds.

SENATOR ELLIS: Okay. It's disbursed pro-rated to ADECCA and then—

MS. JOHNSON: Right. It comes to the—

SENATOR ELLIS: Then the cog agency, and the agency which is a public agency and—

MS. JOHNSON: And then we disburse it.

SENATOR BEDFORD: Mr. President?

SENATOR BARRON: All right, Senator Bedford.

SENATOR BEDFORD: Ma'am, may I—if you would please. I have become very aware of your program and the good things that it does. Do you feel like that your program should be an ordinary expense of state government?

MS. JOHNSON: Yes, I think all children in Alabama are an ordinary expense of state government.

SENATOR BEDFORD: Right. But this program doesn't serve all the children of the Alabama does it?

MS. JOHNSON: No. But we hope that someday—you and I've discussed this before Senator Bedford—we hope someday that our program will serve as a model for the rest of the state. We feel like—

SENATOR BEDFORD: So you feel like the educational purpose that you say you are serving should be an ordinary function of state government.

That's my opinion.

SENATOR BARRON: Thank you very much.

The proceedings are continued on next page. Are they adjoining property, though?

A Yes, sir.

Q So you had to pay rent to two different folks each month?

SENATOR HORN: The next agency that will come forth and tell us its educational mission will be the Building Commission.

SENATOR GOODWIN: What number?

SENATOR HORN: 829. Building Commission. Senator Ellis, who is speaking for that, do you know?

SENATOR ELLIS: Mr. Robert Crumpton.

SENATOR HORN: Mr. Crumpton.

MR. CRUMPTON: I am Robert D. Crumpton the Director of the Building Commission.

SENATOR ELLIS: Tell us about the Building Commission, and in particular, related to education.

MR. CRUMPTON: It's my understanding it was established back in the '40's for the purpose of controlling and managing state construction as well as school construction. I have only been with the Commission for four years, but I'm very well familiar with what it does and the work that it is responsible for. Primarily they review construction for court compliance, we review the selection or architectural-engineer firms, we ensure competitive bid laws, we manage dollars to pay the contractors, we inspect and we approve final completion.

SENATOR ELLIS: What percentage of your functions are related to educational institutions, buildings, construction education?

MR. CRUMPTON: With the current bond appropriation for school construction in our office, staff and employees work approximately 70 or above percent on school facilities. We work on college facilities, hotels and various other state buildings, but by far the predominance is the school facilities.

SENATOR ELLIS: I'm looking at a handout here. Did you prepare that or was that prepared under your supervision?

MR. CRUMPTON: Yes, sir.

SENATOR ELLIS: It says 70 to 90% of your activities are educational related functions?

MR. CRUMPTON: That's correct.

SENATOR ELLIS: What is the total amount of your budget?

MR. CRUMPTON: One million two-eighty something, not quite one point three.

SENATOR ELLIS: And is all of that included in this appropriation? What are the sources?

MR. CRUMPTON: It comes from the General Fund for about a third and two-thirds from the Education Funds. That's PSCA and—

SENATOR ELLIS: Does anyone have a question?

SENATOR FIGURES: Yes, I have got a few. Mr. Crumpton, to whom do you report?

MR. CRUMPTON: We have a Building Commission comprised of the Governor as the chairman and the Finance Director as vice-chairman. Dr. Fox and Dr. Teague by their positions. And then we have four senators and four representatives that comprise the Building Commission.

SENATOR FIGURES: Who is the chairperson of that commission?

MR. CRUMPTON: The Governor.

SENATOR FIGURES: As an executive, do you consider the Building Commission a part of the executive branch of the government?

MR. CRUMPTON: Yes.

SENATOR FIGURES: Now, you said that the 70% of your current time is spent dealing with school construction?

MR. CRUMPTON: That's correct.

SENATOR FIGURES: And that's as a result of this school bond issue that we did a few years ago?

MR. CRUMPTON: We privately fund projects as well as school funded projects. I mean, individual counties and cities, they spend local funds for school projects and we review them also.

SENATOR FIGURES: But as I understood your statement, I just can't recall the testimony, your job is to inspect state buildings; is that not correct?

MR. CRUMPTON: That's correct.

SENATOR FIGURES: That includes this building right here, doesn't it?

MR. CRUMPTON: That's correct.

SENATOR FIGURES: Every state building?

MR. CRUMPTON: That's correct.

SENATOR FIGURES: That's all you do is deal with buildings, whether they're schools or office buildings or warehouses or whatever the state owns?

MR. CRUMPTON: Not entirely. We get involved in condemnation cases occasionally.

SENATOR FIGURES: And condemnation. And that doesn't matter whether it is a school or a office building or anything, but you are—that's what you say you are, the Building Commissioner?

MR. CRUMPTON: That's correct.

SENATOR FIGURES: And the Governor is the chairman of the Building Commission?

MR. CRUMPTON: That's correct.

SENATOR ELLIS: How about contract, architect review and all that, I think you have got contract review, right?

MR. CRUMPTON: That is part of the responsibility of the Building Commission. We review the architectural contracts to see that they are in compliance with the fee schedule and they meet the requirements for qualifications and all those types things. It's part of construction.

SENATOR FIGURES: Right. And though you do work on school buildings, the purpose of your agency is to see that state owned buildings comply with all these things that you talked about; is that not correct?

MR. CRUMPTON: As well as education facilities.

SENATOR FIGURES: Yes. I mean that's a state owned building technically, whatever the state owns.

MR. CRUMPTON: Well, it's a matter of who owns them. We get county's and city's various other schools, but all part of the educational system.

SENATOR FIGURES: All part of the educational system. And outside of that—now, that maybe education related in a sense that these buildings house schools, but the purpose of your agency is not educational, is it?

MR. CRUMPTON: I don't believe so.

SENATOR FIGURES: Thank you.

SENATOR HORN: Thank you.

SENATOR ELLIS: Mr. Chairman, let me ask; you said that in your opinion your agency was executive in nature and I'm not going to challenge that but except to point out that I believe eight of the twelve votes on your commission are from the Legislature; is that not correct?

MR. CRUMPTON: That's correct.

SENATOR ELLIS: And your inspection of buildings, is that for buildings that are under construction or do you have some sort of continuing mandate to inspect buildings post-construction?

MR. CRUMPTON: We are required a lot of times to look into facilities that are considered for purchase by the state as to conditions. But we have six field inspectors that are inspecting construction projects of which, as I say, 70% of them are school projects, but we have other projects as well as school projects.

SENATOR ELLIS: Do you inspect all public schools that are built in this state, is that an ongoing—

MR. CRUMPTON: That's correct.

SENATOR ELLIS: —not done randomly, it's done in each and every case?

MR. CRUMPTON: That's a requirement by law.

SENATOR ELLIS: And that is to meet the compliance with safety standards

MR. CRUMPTON: Statute, state statute that they have to comply with building commission standards.

SENATOR ELLIS: You're talking about building codes?

MR. CRUMPTON: Building codes, but it is also a state statute requiring that they comply with Building Commission review.

SENATOR ELLIS: I see.

SENATOR FIGURES: Mr. Crumpton, let me ask your opinion of something. Are you through, Senator?

SENATOR ELLIS: Yes.

SENATOR FIGURES: Is the fact that you inspect education, educational facilities any more connected, in your opinion, to education than the roads that lead to the school buildings that the school buses travel upon?

MR. CRUMPTON: We don't have anything to do with roads.

SENATOR FIGURES: Well, in your opinion, is it any more connected to education than those roads going to a school building?

SENATOR GOODWIN: Take the fifth on it.

MR. CRUMPTON: Oh, I think very much so. I don't think the education department could carry on a construction program without the assistance of the Building Commission. They rely on us very heavily and we are in contact with them constantly as to their requirements and our requirements.

SENATOR FIGURES: But neither you nor them could get to those schools without roads, could you?

MR. CRUMPTON: That's true.

SENATOR HORN: Mr. Crumpton, let me ask you this question here; you stated that your commission oversees the construction projects of all school facilities, when that or those buildings are complete, do you just walk away or do you teach or instruct anyone in the proper use of that building?

MR. CRUMPTON: We normally require within the specifications that the architect instruct a occupant as to how to operate and maintain.

SENATOR HORN: You did say instruct?

MR. CRUMPTON: Yes, sir.

SENATOR HORN: Could that be similar to teaching?

MR. CRUMPTON: Yes, sir.

SENATOR HORN: Instruct?

MR. CRUMPTON: Yes, sir. It would be similar to teaching, yes, sir.

SENATOR HORN: Go right ahead.

MR. CRUMPTON: We hold a final inspection, we make a punch list, we review it for one year of completion. We have a five year review on roofing. And we are in constant contact, we accept for the State of Alabama the completion of that contract so that we can make final payment by advertising in all those things before we can close them out.

SENATOR HORN: Thank you. But you did say that some part of your mission is teaching, but you would rather use the word instructing?

MR. CRUMPTON: That's correct.

SENATOR HORN: So I'll accept. Thank you. Thank you for coming, Mr. Crumpton.

Senator Ellis, was that all?

SENATOR ELLIS: Yes, sir. I'm just looking at this handout, Mr. Chairman. I think that's all, Mr. Chairman.

SENATOR HORN: The next educational mission would be the Hemophilia Program, No. 839. On your handout, Senator Ellis, who is speaking for that?

SENATOR ELLIS: We might—Mona Lucas on both crippled children services and the hemophilia services, Mr. Chairman.

SENATOR HORN: Call them up and—

SENATOR ELLIS: Mona Lucas.

MS. LUCAS: Here I am.

SENATOR ELLIS: Ms. Lucas, you are—

MS. LUCAS: I'm the Director of the Division of Rehabilitation and Crippled Children Service. Our program is a complete continuum of rehabilitative services in the State of Alabama. Our mission—

SENATOR ELLIS: Is that a division of the State Department of Education?

MS. LUCAS: State Department of Education.

SENATOR ELLIS: Carry on.

MS. LUCAS: All of our—all four programs were specifically put into the Education Department by this Legislature for separate acts.

SENATOR FIGURES: Mr. Chairman, excuse me, I don't want to interrupt. Is there any objection, is there any question that this agency is educational related or has educational purposes from anybody?

SENATOR ELLIS: Well, everybody is not here, Michael, and we need—

SENATOR FIGURES: I just wanted to know if there was some question.

SENATOR HORN: Hemophilia is the—

DR. HUBBERT: The only problem we have is the hemophilia program. We just think it ought to be over in public health, but the other part we have no problem with.

SENATOR HORN: Senator Ellis, could you just ask your questions about hemophilia.

SENATOR ELLIS: Well, of course, Mr. Chairman, if I might, I might point out that the potential for objection is not limited just to Dr. Hubbert, there are other people that might want to view the legislation and I would like to—I think it's wise if we cover—

SENATOR PARSONS: Just me. I'm the only other one.

SENATOR ELLIS: You're on our side now, Mac. If you would—if we could, Mr. Chairman, with your indulgence, cover briefly the—both services.

MS. LUCAS: Hemophilia and crippled children?

SENATOR ELLIS: Yes.

MS. LUCAS: All right. The crippled children program is much older, it's 50 years old or 52 years old in this state now. Primarily those services are provided to children to educate them, educate their parents how to live with the disability, manage the disability, what options are open to them when they grow up, work with the schools, make those children able to be mainstreamed into the public school system.

The hemophilia program was constituted by this Legislature in 1975, it's a much newer program. And it is primarily to treat children and adults with hemophilia. It is worded to be an educational program, it's written that way. It is to educate the physicians, the nurses, the clinics, the parents, the schools, the patients how to manage this disability and stay out of institutions. They learn to manage their disability themselves.

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Most recently, because the taking of factor increases the potential for contracting AIDS, there has been a lot of training and teaching and counseling on how to avoid and how to deal with AIDS should that occur in the hemophiliac.

SENATOR ELLIS: A child or an adult, for that matter, that goes through the hemophilia education process that you described, how would that impact that child and then of a child's adaptation in the public education sector, do you find it that that is an important component of further education—

MS. LUCAS: It's a very important component.

SENATOR ELLIS: —and vocational training?

MS. LUCAS: It's—it would—I think it would be unlikely that a lot of these children would be able to participate in a regular school program or to go on into vocational training and into productive employment without this kind of intervention. It's basically a teaching program to the patient, their families and the school people that will work with these children.

SENATOR ELLIS: So in your opinion, not only educational in nature is that indispensable, in your opinion, to the further education and training of those people that are effected by it?

MS. LUCAS: Yes, sir.

SENATOR ELLIS: Mr. Chairman, for the record, I have just been handed a copy of Section 21-8-1 of the 1975 Code, Sections 21-8-1 and the following section Rule 5. And, of course, in that section the hemophilia treatment program is set specifically under the State Department of Education as you referred to.

MS. LUCAS: Yes, sir.

SENATOR ELLIS: Is there anything else that you would, and we're trying to be brief in the interest of time, anything else that you would like to share with this committee that would illustrate the educational components of the hemophilia program.

MS. LUCAS: Specifically, I think we have covered the hemophilia program. It is by nature an educational program. The medical treatment is provided by—many times covered by insurance, Medicaid, other sources. We work in conjunction with all these other agencies to utilize every similar benefit that's available to these patients. We primarily provide the education and instruction, case management type services.

SENATOR ELLIS: And the other aspects of your program, the medical, the other care, is that also necessary and also provide the educational experience and the training experience that you have described?

MS. LUCAS: Absolutely.

SENATOR ELLIS: What part of your budget is, total budget is included in this appropriation?

MS. LUCAS: That's the entire budget.

SENATOR ELLIS: The entire budget?

MS. LUCAS: It's the total budget.

SENATOR ELLIS: Your only source of funds?

MS. LUCAS: It was—yes. It was created at 300,000 and it has remained so. It has never covered the total number of hemophiliacs in this state, we supplement with other funds.

Could I say something? I believe House Bill 839 includes Homebound, and that is the independent living portion of our program on the other end. So while I'm here, if I need to discuss Homebound—

SENATOR HORN: Senator Ellis, do you have any objection?

SENATOR ELLIS: I don't have—no, that's fine. I think it's very appropriate.

SENATOR HORN: Go right ahead.

SENATOR ELLIS: If you would, describe the Homebound program and relate it as well to educational—

MS. LUCAS: All right. I think we're—we should be very proud in this state to know that we have a complete program to serve children and adults with disabilities. You have heard Rose Sanders and Connie and others talk about helping special need children achieve their maximum potential. The mission of my whole division is to enable Alabama's children and adults with disabilities to achieve their maximum potential.

And we start now with the new early intervention program at birth and serve these people as children right on into the school experience. Work right hand and hand with the school personnel to see that they get the right training in school and that they're able to transition from school into employment and be productive tax paying citizens.

Many of our clients are unable to go to work at times or, maybe, at any time, yet they have needs. And by carefully utilizing on the insurance, Medicare, Medicaid, all the similar benefits, there are still needs to be met that are not met. There are severely disabled persons, some that are getting older. And this program is teaching them to also manage their disability and become as independent and productive as possible. It's teaching their families to take care of them, it's teaching other providers in the community how to work with and enable severely disabled people to become productive citizens in the community. And to me we have a complete program and I would hate to see it not remain so.

SENATOR ELLIS: And in your opinion, is that part of the total educational process—

MS. LUCAS: Yes, sir, very definitely.

SENATOR ELLIS: —for that participant?

MS. LUCAS: It just addresses a different segment of our responsibility of disabled persons.

SENATOR ELLIS: In your opinion, that's necessary in order to take that person through whatever instruction they're going to get from the state and through the system that will train them not only to meet the challenges of life but vocational challenges and educational challenges, is that what you're saying in summary?

MS. LUCAS: Absolutely. And if any of these very severely disabled persons become able to participate in our regular program which heads toward employment they're served in that program.

SENATOR ELLIS: Do any of those particular young people that are involved in that program actually end up in the public school system?

MS. LUCAS: Absolutely, absolutely. Both secondary—primarily—well, no, I take that back. All of our school, elementary, secondary, post-secondary, colleges and universities.

SENATOR ELLIS: In part, you train them for that experience is what you're doing?

MS. LUCAS: Yes.

SENATOR ELLIS: You educate them and lead them into that experience?

MS. LUCAS: Yes, sir.

SENATOR HORN: Thank you, Ms. Lucas. That will be all. Next we have—let me double check.

Senator deGraffenried, I believe we have 835, the Law Institute. On your record who is speaking for them?

SENATOR deGRAFFENRIED: Bob McCurley.

SENATOR HORN: Mr. McCurley, come forward, please.

SENATOR deGRAFFENRIED: Bob, if you would, state your name and who you work for and relate what the Alabama Law Institute does and the function and the purpose of it.

MR. McCURLEY: I'm Bob McCurley Director of the Alabama Law Institute. The Law Institute was created in 1967 and since its first funding in 1969 has been funded either totally or, at least, in part from the Special Education Trust Fund.

When it was formed in—unlike what was done in Georgia and North Carolina where they have institutes of government that are part of the University of Georgia or the University of North Carolina, the Alabama Law Institute was made independent and directly responsible to the Legislature for—to do such things as to meet the educational needs of the Legislature by providing an orientation for legislators, issues, forums, handbooks and other educational materials; the training of legislative committees, probate judges, sheriffs and other public officials; we conduct the research by law professors at the University of Alabama; part of our funding also goes for the University of Alabama Law School Library so as to maintain an accurate and up-to-date resource available for our studies.

The Institute presently is in the process of producing a film with Public Television on the Legislature for use in the school systems. About 100 schools now use this film that was produced eight years ago, but it's out of date, so we're updating that. It's been widely used throughout the State of Alabama as well as the legislative process handbook on the Legislature that we have produced.

SENATOR deGRAFFENRIED: And what is the total amount of your appropriation?

MR. McCURLEY: \$293,622 all of which—that's our entire appropriation, we have no other source.

SENATOR deGRAFFENRIED: Does that come out of the Special Education Trust Fund, I assume?

MR. McCURLEY: Yes. A hundred percent.

SENATOR deGRAFFENRIED: And the real purpose is to work with members of the Legislature. I know you work with, particularly the judiciary committee and other committees to help draft legislation and to provide seminars for other elected officials in the state.

MR. McCURLEY: Yes. Most legislators do not have the time to see the changes in the law nationally that need to be made because they're so involved in the issues that are at hand. The Legislative Reference Service, for instance, responds to legislators in drafting the everyday bills. We do not draft everyday bills for the Legislature, the approximately 2000. In turn, we think ahead and educate the legislators on items that have changed throughout the country that should be addressed.

SENATOR deGRAFFENRIED: Like the probate code?

MR. McCURLEY: Correct. The probate code, the criminal—for instance, when the criminal code was adopted, it was by the use of volunteers greatly. For instance, New York spent over a million dollars, whereas we spent about \$60,000 in the drafting over an eight year period of time because of the use of volunteers.

And then after the criminal code was passed we educated the 7000 law enforcement officials, we drafted a warrant and indictment manual for use; criminal jury charges for judges; we taught the judicial system as well as the lawyers the new law. And that's typically what we do with each major piece of legislation that the Legislature passes.

SENATOR deGRAFFENRIED: Mr. Chairman, anyone else have any questions of Bob?

SENATOR FIGURES: Yes. I have got a couple. Mr. McCurley, the purposes and duties of your office was spelled out in 29-8-4 of the Alabama Code, are you familiar with that?

MR. McCURLEY: Yes, sir.

SENATOR FIGURES: As I look over them, it seems like the real purpose of your office is to try to instruct this Legislature, or whatever term you want to use, or help this Legislature keep Alabama law current and consistent, is that a fair simplification of what you—

MR. McCURLEY: That's part of what we do, correct.

SENATOR FIGURES: And that's why you were created to really help the Legislature more than anything else; is that not correct?

MR. McCURLEY: That was one of the prime purposes. And it was made directly responsible to the Legislature for the independence. Whereas other places where our organization was formed, it was a part of one of the colleges and universities, but because that way you would have to go through a college or university for my services, you wanted them directly.

SENATOR FIGURES: Does the University of Alabama give you space or you pay rent for that space?

MR. McCURLEY: I pay rent to the University of Alabama.

SENATOR FIGURES: Out of this appropriation?

MR. McCURLEY: Out of this appropriation. I pay for my telephone, my rent, everything.

SENATOR FIGURES: But your office really is an arm of the Legislature, isn't it?

MR. McCURLEY: It is.

SENATOR FIGURES: Very much in the same way the Legislative Reference is except you do different things?

MR. McCURLEY: It is an arm of the Legislature, but it is very unlike the Legislative Reference Service.

SENATOR FIGURES: Well, one of your purposes says to devise and carry out through the facilities of the Legislative Reference Service and to direct and employees thereof a plan for continuous code revisions?

MR. McCURLEY: Jointly with the Legislative Reference Service. Each time the Legislature adjourns when the—all the bills have been passed, the two of us get together to decide where they should be placed in the Code of Alabama and then proposes to you the next year a code bill that will officially adopt last year's bills into the Code of Alabama. That's what that was reference to.

SENATOR FIGURES: You operate out of the University principally because of convenience, the law library and the technical support?

MR. McCURLEY: Well, that's correct because that's where the law professors are, and we would have to hire a great staff otherwise, we can call on the experts that are there available.

SENATOR FIGURES: Very good, Thank you, sir.

SENATOR HORN: Thank you, Bob.

C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, ROBERT KEITH KENNEDY, and SALLY H. WATTS, Notaries Public for the State of Alabama at Large, hereby certify that we are the Court Reporters who made machine shorthand notes of the foregoing Senate Hearing at the time and place stated in the Caption thereof; that I later reduced my shorthand notes into typewriting, or under my supervision; that the foregoing pages numbered three through seventy-one, both inclusive, contain a full, true, and correct transcript of proceedings had on said occasion.

We further certify that we are in no way related to nor employed by any of the parties, the witness or counsel, and that I have no interest in the outcome of this matter.

Given under our hand and seal this the 11th day of April, 1988.

ROBERT KEITH KENNEDY,
Notary Public.

My Commission Expires
September 5, 1990

SALLY H. WATTS.

My Commission Expires
March 18, 1990

BILL RECONSIDERED

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 839, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 837, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Holmes	
Amari	Campbell	Figures	Langford	
Bailey	Covington	Foshee	Menton	
Barron	deGraffenried	Goodwin	Preuitt	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Hand	Sanders	
Bennett	Dixon	Hilliard	Smith (J)	
Bishop	Drinkard			—29

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 837. To make an appropriation from the State General Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 837, to-wit:

SUBSTITUTE FOR H. B. 837

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Examiners of Public Accounts for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the

Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Examiners of Public Accounts for the Legislative Support-Audit Services Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of four million thirty-seven thousand nine hundred twenty-four dollars (\$4,037,924).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing audits of institutions of higher education and county boards of education; providing audits to city boards of education upon request.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 837, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

—33

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 837, was adopted, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 829, adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Covington	Figures	Menton	
Bailey	deGraffenried	Goodwin	Preuitt	
Barron	Denton	Hale	Rice	
Bedsole	Dial	Hand	Sanders	
Bennett	Dixon	Holmes	Smith (B)	
Bishop	Drinkard	Horn	Smith (J)	
Cabaniss				—28

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 829. To make an appropriation from the State General Fund to the State Building Commission for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute to the Bill, H. B. 829, to-wit:

SUBSTITUTE FOR H. B. 829

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the State Building Commission for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the State Building Commission for the Special Services Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of four hundred fifty thousand dollars (\$450,000).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act,

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educational purposes shall include but shall not be limited to reviewing architectural plans and specifications where state school funds are utilized to provide for access by the physically handicapped.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 829, was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis		

—33

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 829, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 824, adopted.

Yeas 30; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Langford
Amari	Campbell	Foshee	Menton
Bailey	Covington	Goodwin	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Dial	Hand	Sanders
Bedsole	Dixon	Hilliard	Smith (B)
Bennett	Drinkard	Holmes	Smith (J)
Bishop	Ellis	Horn	

—30

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 824. To make appropriations to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 824**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Department of Economic and Community Affairs for the Grants and Benefits Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of one million two hundred four thousand two hundred ninety-six dollars (\$1,204,296). There is further appropriated to the Alabama Department of Economic and Community Affairs for the Grants and Benefits program from the State General Fund the sum of thirty-five thousand six hundred twenty-five dollars (\$35,625) for the fiscal year ending September 30, 1988.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the Alabama Special Educational Trust Fund appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing education and day care to young children of low income working parents in 26 locations in 16 counties; providing basic and remedial education to disadvantaged youth, educating such clients in job interview skills, job survival skills, job development and job placement; educating low income children through the operation of a pre-school and after school program, teaching academic subjects and educating clients on social problems; and operating a public school in cooperation with the Marshall County School System to educate children of low-income families.

SECTION 3. Of the above appropriations, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid

to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 824, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Langford
Amari	Campbell	Foshee	Menton
Bailey	Corbett	Goodwin	Mitchem
Barron	deGraffenried	Hale	Rice
Bedford	Denton	Hand	Sanders
Bedsole	Dial	Holmes	Smith (B)
Bennett	Ellis	Horn	Smith (J)
Bishop			

—28

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 824, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 586, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford
Barron	deGraffenried	Goodwin	Menton
Bedford	Denton	Hale	Mitchem
Bedsole	Dial	Hand	Preuitt
Bennett	Drinkard	Hilliard	Sanders
Bishop	Ellis	Holmes	Smith (B)
Cabaniss	Figures	Horn	Smith (J)

—27

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 586. To make an appropriation to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988,

for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 586, to-wit:

SUBSTITUTE FOR S. B. 586

A BILL TO BE ENTITLED AN ACT

To make an appropriation to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Department of Economic and Community Affairs for the Grants and Benefits Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of one million two hundred four thousand two hundred ninety-six dollars (\$1,204,296).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing education and day care to young children of low income working parents in 26 locations in 16 counties; providing basic and remedial education to disadvantaged youth, educating such clients in job interview skills, job survival skills, job development and job placement; educating low income children through the operation of a pre-school and after school program, teaching academic subjects and educating clients on social problems; and operating a public school in cooperation with the Marshall County School System to educate children of low-income families.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

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On motion of Senator Corbett, further consideration of the Bill, S. B. 586, and pending substitute, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 825, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Hale	Menton
Amari	deGraffenried	Hand	Mitchem
Barron	Denton	Hilliard	Preuitt
Bedford	Drinkard	Holmes	Rice
Bedsole	Ellis	Horn	Sanders
Bennett	Figures	Langford	Smith (B)
Bishop	Foshee	Manley	Smith (J)
Cabaniss	Goodwin		

—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 825. To make appropriations to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Bailey	Covington	Goodwin	Menton
Barron	deGraffenried	Hale	Mitchem
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Hilliard	Rice
Bennett	Drinkard	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Cabaniss	Figures	Langford	Smith (J)
Campbell			

—32

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 825, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 583, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton
Bailey	Denton	Hand	Mitchem
Barron	Dial	Hilliard	Preuitt
Bedford	Drinkard	Holmes	Rice
Bedsole	Ellis	Horn	Sanders
Bennett	Figures	Langford	Smith (B)
Bishop	Foshee	Manley	Smith (J)
Cabaniss	Goodwin		

—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 583. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 583, to-wit:

SUBSTITUTE FOR S. B. 583

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Public Health from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of seven million two hundred forty thousand two hundred fifty-two dollars (\$7,240,252). Said appropriation shall be expended as is listed below and in Section 3.

- | | |
|---------------------------------|-----------|
| (a) Health Support Services | |
| Program | 2,515,469 |
| Of the above appropriation, | |
| \$302,130 shall be expended for | |
| the continuation of the pro- | |
| grams in Public School Sani- | |
| tation. | |
| (b) Personal Health Improvement | |
| Program | 4,024,920 |
| Of the above appropriation, | |
| \$2,024,920 shall be expended | |

for continuation of the programs for immunization of pre-school children and students, dental health and nursing services. Of the above appropriation, \$2,000,000 shall be expended for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee on Public Health. Such guidelines shall be comprehensive enough to service as a statewide perinatal plan in meeting federal matching requirements.

(c) Administrative Services

Program

699,863

The above appropriation shall be expended for the continuation of the program in Primary Preventive Health Education.

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988, this appropriation shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing for public school food sanitation, mandated immunization of pre-school children and the perinatal program in order to educate expectant mothers in proper prenatal and perinatal care.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, further consideration of the Bill, S. B. 583, and pending substitute, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 826, adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Manley
Bailey	deGraffenried	Hale	Menton
Barron	Denton	Hand	Mitchem
Bedford	Dixon	Hilliard	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bennett	Ellis	Horn	Sanders
Bishop	Figures	Langford	Smith (B)
Cabaniss			

—28

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 826. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley
Amari	Campbell	Goodwin	Menton
Bailey	Corbett	Hale	Mitchem
Barron	Covington	Hand	Preuitt
Bedford	deGraffenried	Hilliard	Rice
Bedsole	Denton	Holmes	Sanders
Bennett	Dial	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)

—31

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 826, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 587, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Manley
Bailey	Campbell	Hale	Menton
Barron	Covington	Hand	Mitchem
Bedford	deGraffenried	Hilliard	Preuitt
Bedsole	Denton	Holmes	Rice
Bennett	Dial	Horn	Smith (B)
Bishop	Dixon	Langford	Smith (J)

—27

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 587. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 587, to-wit:

SUBSTITUTE FOR S. B. 587

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Youth Services from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of twelve million seventy-eight thousand nine hundred forty-two dollars (\$12,078,942). Said appropriation shall be expended as is listed below and in Section 3.

(a) Youth Services Program	11,578,942
Of the above appropriation, \$200,000 shall be used for pilot programs in day treatment. The above appropriation shall be expended in accordance with the provisions of the Code of Alabama 1975, as amended, Section 44-1-1 through 44-1- 56.	
(b) Capital Outlay	300,000
(c) Southeast Alabama Youth Services System (Dothan)- Capital Outlay	200,000

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988, this appropriation shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and

further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing social and educational services and facilities to youth referred to the program; providing for the education of such individuals including educating youth to turn away from a life of crime.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall also apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portions thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, further consideration of the Bill, S. B. 587, and pending substitute, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 827, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Barron	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Denton	Hilliard	Sanders	
Bennett	Dial	Holmes	Smith (B)	
Bishop	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Langford		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 827. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 827, to-wit:

SUBSTITUTE FOR H. B. 827

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Commission on Physical Fitness for the Advisory Services Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of two hundred nineteen thousand eight hundred sixty-six dollars (\$219,866).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 827, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bedford	Covington	Goodwin	Mitchem	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hand	Rice	
Bishop	Dial	Hilliard	Sanders	
Cabaniss	Dixon	Holmes	Smith (B)	
Campbell	Drinkard	Langford	Smith (J)	—27

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 827, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 828, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Menton	
Amari	Denton	Hilliard	Preuitt	
Bedsole	Dial	Holmes	Rice	
Cabaniss	Drinkard	Horn	Sanders	
Campbell	Foshee	Langford	Smith (B)	
Covington	Goodwin	Manley	Smith (J)	—23

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 828. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 828, to-wit:

SUBSTITUTE FOR H. B. 828**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant

to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Small Business Development Consortium from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of five hundred three thousand seven hundred one dollars (\$503,701). Said appropriations shall be expended as is listed below and in Section 3.

(a) Operations and Maintenance	413,701
(b) Small Business Procurement System	90,000

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988 this appropriation shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to educating current and potential small business owners/operators in technical and managerial training necessary for business success; and educating the business community on the availability of government bid requests and on how such businesses can improve their chances of being awarded such bids.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

Yeas 19; Nays 10.

Yeas:

Senators:	Campbell	Foshee	Langford
Bailey	Corbett	Goodwin	Menton
Bedford	Covington	Hilliard	Mitchem
Bennett	Denton	Holmes	Parsons
Bishop	Figures	Horn	Sanders

Nays:

Senators:	deGraffenried	Hale	Rice	
Bedsole	Dial	Manley	Smith (B)	
Cabaniss	Dixon	Preuitt		—10

And said Bill, H. B. 828, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Goodwin	Preuitt	
Bedford	deGraffenried	Hale	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dial	Horn	Smith (B)	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Drinkard	Manley		—30

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 828, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 830, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Ellis	Langford	
Bailey	Covington	Figures	Mitchem	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Rice	
Bennett	Dial	Hale	Smith (B)	
Bishop	Dixon	Holmes		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 830. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 830, to-wit:

SUBSTITUTE FOR H. B. 830

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Finance for the Telephone Revolving Fund for the Administrative Services Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of six million seven hundred thousand dollars (\$6,700,000).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to supporting the state's colleges, universities, junior colleges, technical colleges and the state agencies that oversee the various levels of education with telecommunications facilities and services.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 830, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Horn	
Bailey	Corbett	Ellis	Langford	
Bedford	Covington	Figures	Menton	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Denton	Goodwin	Rice	
Bishop	Dial	Hale	Sanders	
Cabaniss	Dixon	Holmes	Smith (B)	—27

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 830, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 831, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Bailey	Covington	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dial	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Cabaniss	Figures	Menton		—26

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 831. To make an appropriation from the State General Fund to the Legislature for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Amari	Corbett	Figures	Menton	
Bedford	Covington	Goodwin	Mitchem	
Bedsole	deGraffenried	Hale	Preuitt	
Bennett	Denton	Hand	Sanders	
Bishop	Dial	Holmes	Smith (B)	
Cabaniss	Dixon	Horn	Smith (J)	—27

Nays: —0

**REGULAR SESSION
25th Day**

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Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 831, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 832, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Bailey	Corbett	Goodwin	Mitchem	
Bedford	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Sanders	
Bennett	Dial	Holmes	Smith (B)	
Bishop	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard	Langford		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 832. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 832, to-wit:

SUBSTITUTE FOR H. B. 832

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Firefighters' Personnel Standards and Education Commission for the Professional and Occupational Licensing and Regulation Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of one hundred forty-nine thousand two hundred twenty-nine dollars (\$149,229).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to implementing training and educational programs to enhance the level of fire protection provided throughout the state; studying the fire-fighting training schools and making recommendations to improve such instruction; encouraging the establishment of fire-fighting training schools and courses in fire-fighting in institutions of higher education.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 832, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Holmes	
Bailey	Campbell	Drinkard	Langford	
Bedford	Corbett	Figures	Menton	
Bedsole	deGraffenried	Goodwin	Sanders	
Bennett	Denton	Hale	Smith (B)	
Bishop	Dial	Hand	Smith (J)	—23

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 832, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 833, adopted.

REGULAR SESSION
25th Day

1399

Yeas 26; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Bailey	Denton	Goodwin	Mitchem
Bedford	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Sanders
Bishop	Drinkard	Holmes	Smith (B)
Cabaniss	Ellis	Horn	Smith (J)
Campbell	Figures	Langford	

—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 833. To make an appropriation from the State General Fund to the Office of Prosecution Services for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Bailey	Denton	Goodwin	Mitchem
Bedford	Dial	Hale	Preuitt
Bedsole	Dixon	Hand	Sanders
Bishop	Drinkard	Holmes	Smith (B)
Campbell	Ellis	Horn	Smith (J)
Corbett	Figures	Langford	

—26

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 833, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 835, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Menton
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Preuitt
Bennett	Drinkard	Holmes	Sanders
Bishop	Ellis	Horn	Smith (B)
Campbell	Figures	Langford	Smith (J)
deGraffenried	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 835. To make an appropriation from the State General Fund to the Alabama Law Institute for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 835, to-wit:

SUBSTITUTE FOR H. B. 835**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama Law Institute for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Law Institute for the Support of Other Educational Activities Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of two hundred ninety-three thousand six hundred twenty-two dollars (\$293,622).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to educating members of the Legislature on improvements and clarifications needed in the State's body of law; and to provide for continuous Code revisions.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

REGULAR SESSION
25th Day

1401

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 835, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Bedford	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Bennett	Dixon	Hand	Smith (B)	
Bishop	Drinkard	Holmes	Smith (J)	
Campbell	Ellis	Langford		—26

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 835, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 836, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bailey	Denton	Hand	Mitchem	
Bedford	Dial	Holmes	Preuitt	
Bedsole	Dixon	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Foshee	Manley	Smith (J)	
Campbell	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 836. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 836, to-wit:

SUBSTITUTE FOR H. B. 836

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1988, for educational purposes; to

make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama State Council on the Arts for the Fine Arts Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of one million three hundred nineteen thousand twenty dollars (\$1,319,020).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing education in and exposure to the arts statewide.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 836, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Bailey	Corbett	Goodwin	Menton
Barron	deGraffenried	Hale	Mitchem
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

—29

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 836, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., H. B. 838, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Barron	deGraffenried	Goodwin	Menton
Bedford	Denton	Hale	Mitchem
Bedsole	Dial	Hand	Preuitt
Bennett	Dixon	Holmes	Smith (B)
Bishop	Drinkard	Horn	Smith (J)
Cabaniss	Ellis	Langford	

—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 838. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 838, to-wit:

SUBSTITUTE FOR H. B. 838

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Space Science Exhibit Commission for the Special Services Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of three hundred thousand dollars (\$300,000).

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and

the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to the operation of the Space Camp program and educating the general public in the various aspects of space exploration through the display of space hardware and other visual exhibits and training in space exploration.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 5. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 838, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Bedford	deGraffenried	Goodwin	Menton	
Bedsale	Denton	Hale	Mitchem	
Bennett	Dial	Hand	Preuitt	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Drinkard	Horn	Smith (J)	
Campbell	Ellis	Langford		—26

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 838, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 573, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley	
Barron	Denton	Hale	Menton	
Bedford	Dial	Hand	Mitchem	
Bennett	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Rice	
Cabaniss	Foshee	Langford	Smith (B)	—23

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 573. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; to define educational purposes; to require the repayment of funds expended under the appropriations of Act 87-715 and subsequently declared to be unconstitutional. was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 573, to-wit:

SUBSTITUTE FOR S. B. 573

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Department of Education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of sixteen million six hundred ten thousand fifty-six dollars (\$16,610,056). Said appropriation shall be expended as is listed below and in Section 3.

- (a) Direct Client Services for the Handicapped
 - Crippled Children Services Program 5,220,313
 - Hemophilia Program 296,520
 - Homebound Program 4,000,000
 - Rehabilitation Services Program 7,073,843
 - Of the above appropriation to Rehabilitation Services Program, \$250,000 shall be used for the Deaf Support Service Program.
- (b) Projects-Vocational Rehabilitation/Crippled Children Services Program
 - Eye Injury Register 19,380

It is the intent of the Legislature that at the end of the fiscal year ending September 30, 1988 this appropriation shall have been expended as is listed above and for the purpose in Section 3.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to the following: (a) Providing medical, paramedical, counseling and educational services (instruction in the training of disabled persons) to crippled children and their families. The Legislature recognized the educational nature of such services in Section 16-38-7 of the Code of Alabama 1975. (b) Complying with Section 21-8-5 of the Code of Alabama 1975, which states that it is the duty of the division of vocational rehabilitation and crippled children's services to institute and carry on community educational programs for the detection of hemophilia and for counseling of individuals and families; and to conduct educational programs for physicians, dentists, hospitals, regional health departments and the public concerning methods of care and treatment for persons suffering from hemophilia. (c) Providing educational services to severely disabled clients which includes academic tutoring, teaching of independent living skills, and providing equipment (wheelchairs and ramps) to allow school age children to attend school. (d) Providing vocational rehabilitation through a state-federal initiative for the purpose of teaching independent living skills in order to return the clients to the workforce. (e) Educating the public and employers of the hazards that cause eye injuries; using a register to help school system officials plan for the education of those with eye injuries; operating in conjunction with the Alabama Institute for Deaf and Blind to fulfill the mandate of maintaining such register.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall also apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And on motion of Senator Corbett, further consideration of the Bill, S. B. 573, was indefinitely postponed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 840, adopted.

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Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Barron	deGraffenried	Goodwin	Menton	
Bedford	Denton	Hale	Mitchem	
Bedsole	Dial	Hand	Preuitt	
Bennett	Dixon	Holmes	Rice	
Bishop	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	—27
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 840. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 840, to-wit:

SUBSTITUTE FOR H. B. 840

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; to make a legislative finding; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated to the Alabama Public Library Service for the Public Library Service Program from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1988 the sum of five million one hundred eighty-six thousand seven hundred sixty-five dollars (\$5,186,765). Of the above appropriation, a total of \$10,000 is hereby appropriated for the purchase of TTY/TDD equipment for the hearing impaired. Said appropriation shall be distributed by the Alabama Public Library Service Board based on need to those regional libraries submitting project applications for said equipment.

SECTION 2. Through its legislative process, including the hearings held concerning budget requests and extensive meetings inherent thereto, the legislature hereby finds, pursuant to its inherent plenary authority and the authority provided for in Amendment No. 111 of Section 256 of the Constitution of Alabama, that the appropriation provided for in this Act is one for educational purposes and further that for the purpose of this Act, educational purposes shall include but shall not be limited to providing a

cooperative system of providing books and library services for the various localities of the state.

SECTION 3. Of the above appropriation, any Alabama Special Educational Trust Fund appropriations spent under Act 87-715 ruled unconstitutional by the Alabama Supreme Court are hereby ordered to be repaid to the Alabama Special Educational Trust Fund from this appropriation by the close of fiscal year 1988.

SECTION 4. The provisions of Section 8 of Act No. 87-715 concerning transfers to the State Personnel Department shall apply to this Act.

SECTION 5. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Senator Corbett, said substitute was laid on the table.

And said Bill, H. B. 840, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bedford	deGraffenried	Goodwin	Mitchem	
Bedsole	Denton	Hale	Preuitt	
Bennett	Dial	Hand	Rice	
Bishop	Dixon	Holmes	Smith (B)	
Cabaniss	Drinkard	Langford	Smith (J)	
Campbell	Ellis	Manley		—26

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 840, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 841, adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Bedford	Denton	Hale	Mitchem	
Bedsole	Dial	Hand	Preuitt	
Bennett	Dixon	Holmes	Rice	
Bishop	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	
Campbell	Foshee	Manley		—26

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 841. To make an appropriation from the State General Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Barron	deGraffenried	Goodwin	Menton	
Bedford	Denton	Hale	Mitchem	
Bedsole	Dial	Hand	Preuitt	
Bennett	Dixon	Holmes	Rice	
Bishop	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	—27

Nays: —0

Senator Corbett moved that the Senate reconsider the vote by which the Bill, H. B. 841, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 484

The Senate proceeded to further consideration of the Bill, S. B. 484. The question was on the Hand substitute for the Corbett-Foshee substitute.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Bailey:

S. 626. To provide a form of municipal government to be known as the Mayor/Commission/City Manager form of government, which may be adopted by any Class 5 municipality in the State of Alabama; to provide the method by which any such city may adopt the Mayor/Commission/City Manager form of government; to define and provide the legal status, form of government and powers of any such city under the Mayor/Commission/City Manager form of government; to provide as the governing body of such city a city commission; to provide for a Mayor elected at-large and a four (4) member Commission elected from single-member districts, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of the Mayor and Commissioners and for the filling of vacancies in the office of Mayor and Commissioners and to provide the duties and authority of the Mayor and Commissioners; to provide for the control of the finances of such city; to provide for an annual budget,

its preparation, submission and adoption and the effect thereof; to provide for the terms and effects of succession in government of any city adopting the Mayor/Commission/City Manager form of government; to make various other provisions for any such city which adopts the Mayor/Commission/City Manager form of government and for the government thereof; and to provide for the means of abandoning the Mayor/Commission/City Manager form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Committee on Governmental Affairs.

By Senator Hand:

S. 627. To further provide for certain purchases by local boards of education.

Committee on Finance and Taxation.

By Senator Hale:

S. 628. To establish a Physical Therapy Assistant Program at George C. Wallace State Community College at Hanceville, Alabama.

Committee on Finance and Taxation.

By Senator Horn:

S. 629. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Manley:

S. 630. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1988, and to provide for its retroactive effect.

Committee on Finance and Taxation.

By Senator Horn:

S. 631. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 632. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 633. To make an appropriation from the State General Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 634. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 635. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 636. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 637. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 638. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 639. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 640. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 641. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 642. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retar-

ation for the fiscal year ending September 30, 1989 for educational purposes; and to make a legislative finding.

Committee on Finance and Taxation.

By Senator Horn:

S. 643. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 644. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 645. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center for the fiscal year ending September 30, 1989.

Committee on Finance and Taxation.

By Senator Horn:

S. 646. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 647. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Horn:

S. 648. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Finance and Taxation.

By Senator Campbell:

S. 649. To provide that any active and contributing member of the Teachers' Retirement System with at least 10 years creditable service or any retired member of the Teachers' Retirement System may purchase credit for maternity leave, employment at a Department of Defense or overseas school, employment as a home economics teacher with a rural electric cooperative, employment as an extension service employee and employment as a Head Start teacher; to provide certain limitations with respect to the purchase of

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such service; and to provide a method for the calculation of the cost and time period for purchasing credit for such service.

Committee on Finance and Taxation.

By Senator Bennett:

S. 650. The Director of the Alabama Department of Environmental Management is to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the next regular session; and to place a moratorium on the construction of any new sanitary landfills for 18 months after the effective date of this Act.

Committee on Commerce,
Transportation, and Utilities.

By Senators Smith (B), Hale, and Smith (J) (With Notice and Proof):

S. 651. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 651, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Hale and Campbell (With Notice and Proof):

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 652, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale (With Notice and Proof):

S. 653. To alter the boundary lines between Winston and Cullman Counties.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 653, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 654. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

Committee on Local Legislation No. 3.

The above Bill was read a first time at length as required by the Constitution.

By Senator Horn:

S. 655. To amend Section 41-16-50, Code of Alabama 1975, relating to the competitive bid law, so as to allow the implementation of local minority business affirmative action plans within the competitive bidding requirement for county and municipal governmental bodies.

Committee on Governmental Affairs.

By Senator Barron (With Notice and Proof):

S. 656. To amend Section 1 of Act No. 85-557, H. 1028 of the 1985 Regular Session (Acts 1985, p. 856), authorizing the county governing body to levy a tax on tobacco products in DeKalb County, so as to provide further for the amount of such tax and the manner of levying such tax.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 656, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 657. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

Committee on Finance and Taxation.

By Senator Mitchem (With Notice and Proof):

S. 658. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 658, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem (With Notice and Proof):

S. 659. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and

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collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 659, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis:

S. 660. To provide that a county may collect a license or privilege tax upon any fire or marine insurance company doing business outside the incorporated municipalities of the county; to provide for the amount which may be collected; and to provide that the revenues collected shall be used for fire protection outside the incorporated municipalities of the county.

Committee on Governmental Affairs.

By Senator Foshee:

S. 661. To provide for a reward for information leading to the arrest and conviction of persons who commit felony offenses of trafficking controlled substances; to provide for such rewards to be payable from the Governor's contingency fund; to provide that the provisions of this act shall be cumulative; and to provide for the procedure to determine interest in the reward.

Committee on Judiciary.

By Senator Sanders:

S. 662. To prohibit the operation of overcrowded school buses in Alabama.

Committee on Education.

By Senator Sanders:

S. 663. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 664. To provide that a contract for surrogate motherhood shall be absolutely null, void, and unenforceable as contrary to public policy.

Committee on Judiciary.

By Senator Bedford (With Notice and Proof):

S. 665. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101,

Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 665, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 666. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 666, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 667. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 667, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 668. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 668, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

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By Senator Figures (With Notice and Proof):

S. 669. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama, First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 669, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 670. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 670, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bennett:

S. 671. To provide that persons who served two or more years of active oceangoing service in the American Merchant Marines during World War II shall be allowed to make certain contributions into the state retirement systems and shall have such service time credited as state service toward their retirement.

Committee on Finance and Taxation.

By Senator Bedford (With Notice and Proof):

S. 672. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 672, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures (With Notice and Proof):

S. 673. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which

created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 673, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

REPORTS OF COMMITTEES

Senator Covington, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Faulk (With Notice and Proof):

H. 732. Relating to law enforcement in Butler County; to repeal Act No. 566, H. 1299 of the 1977 Regular Session of the Legislature (1977 Acts, p. 746) entitled "An Act to expressly repeal Act No. 818, 1975 Regular Session (Acts of 1975, p. 1644) and Act No. 327, 1976 Regular Session (Acts of 1976, p. 360 and 361). To further provide that all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees, providing for the deposit of the funds from the pistol permits and for the use of such funds," so as to increase the annual pistol permit fee to \$10.00; and to provide for the distribution of the revenue derived therefrom into the sheriff's fund and into the county general fund.

By Rep. Headley (With Notice and Proof):

H. 659. To amend Section 2 of Act No. 722, H. 1708, 1973 Regular Session (Acts 1973, p. 1079), pertaining to levying and collecting assessments on forestlands in Bibb County.

By Rep. Layson (With Notice and Proof):

H. 164. Relating to any municipality located in Tuscaloosa County; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain full-time paid fire fighters.

By Rep. Hogan (With Notice and Proof):

H. 399. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to

the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989), and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts), in said County at a special election called and held in accordance with the laws governing special elections.

By Rep. Hogan (With Notice and Proof):

H. 682. Relating to Walker County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Sipsey in Walker County, Alabama.

By Senator Sanders (With Notice and Proof):

S. 499. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (G) (With Notice and Proof):

H. 727. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain valid licensees of brewed malt beverages or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that the Alcoholic Beverage Control Board shall establish the said special license and fees therefor; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed beverages or malt liquors; to provide that certain manufacturers may also be licensed to sell said brewed beverages or malt liquors to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 727, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 727—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moon (With Notice and Proof):

H. 921. Relating to Marshall County; to create a motor vehicle license and title division within the probate judge's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicles licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax collector and tax assessor to said probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 921, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 922. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 922, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 921 and 922—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Zoghby:

H. 781. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 781—to the Committee on Local Legislation No. 3

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 767. Relating to Houston County; to impose a special additional filing fee of two dollars (\$2.00) on certain instruments, documents, and papers filed for record in the office of the Judge of Probate; to provide for the disposition of said fees; and to provide that said law shall be cumulative.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 767, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 767—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McDowell, McClain, and Curry (With Notice and Proof):

H. 869. Relating to Jefferson County to abolish the office of Assistant Sheriff, Bessemer Division; to create the office of Chief Deputy Sheriff, Bessemer Division; to prescribe the duties, responsibilities, and term; to provide for the appointment, qualification, and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 869, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Rogers, Spratt, Davis, McDowell, McClain, Newton, and Curry (With Notice and Proof):

H. 898. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 898, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 869 and 898—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mikell (With Notice and Proof):

H. 925. To regulate the registration and identification of certain mobile homes in Elmore County and to prescribe penalties for violation of the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 925, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 950. Relating to Clay County; abolishing the office of constable and providing an effective date.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 950, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 925 and 950—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 757. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 757, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 757—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 233. Relating to Madison County; providing a certain county supplement to the salary of each supernumerary court reporter in the Twenty-third Judicial Circuit payable from the county treasury.

Also:

S. 315. Relating to Madison County; providing for county supplement paid to court reporters in the Twenty-third Judicial Circuit to be on a

percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

Also:

S. 480. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection and use of additional taxes to defray the expense of juror parking, so as to increase the amount of such tax from Two (\$2.00) Dollars to Three (\$3.00) Dollars.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hill and Knight (With Notice and Proof):

H. 803. Relating to Shelby County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 803, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 803—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee (With Notice and Proof):

H. 668. Relating to Montgomery County; to provide for the compensation for the members of the Board of Registrars and to repeal Act No. 833, S. 789 and Act No. 845, H. 1095, 1978 Regular Session.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 668, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McKee (With Notice and Proof):

H. 790. Relating to Montgomery County; to amend Section 5(7) of Act No. 356, H. 1066 of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for an annual independent audit of the Retirement System and an actuarial evaluation at least once in each five-year period.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 790, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 668 and 790—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marietta (With Notice and Proof):

H. 433. Relating to Mobile County providing a supplement for the Supernumerary Clerks and Register of the Circuit Court of the Thirteenth Judicial Circuit, State of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 433, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 433—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marietta (With Notice and Proof):

H. 432. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class II municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class II municipalities in the State of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 432, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Turner (With Notice and Proof):

H. 752. Relating to Mobile County; to provide that the license commissioner shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the license commissioner may charge an additional \$1.00 to the boat owner for each such certificate issued by mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 752, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 432 and 752—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Black and Blakeney (With Notice and Proof):

H. 903. Relating to Choctaw County, providing further for the compensation of the members of the county commission and repealing Act No.

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81-748, H. 1124, 1981 Regular Session, and Act No. 81-917, H. 15, 1981 1st Special Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 903, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 905. Relating to Cleburne County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge to have one general index book relative to transactions in the probate office of Cleburne County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 905, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 903 and 905—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trace Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey (With Notice and Proof):

H. 907. Relating to Cleburne County; providing further for the duties of the county health department and its agents in performing certain tests for septic tank installation; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 907, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Zoghby and Marietta (With Notice and Proof):

H. 913. To amend Section 7 of Act No. 31 of the Second Special Session 1975 (Acts 1975, p. 141), as amended, which relates to the incorporation in any municipality, having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census, of an authority, as a public corporation, for the purpose of providing public transportation service in such county and the compensation of directors of any such authority, so as to further provide for the number of directors.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 913, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 907—to the Committee on Local Legislation No. 1

H. B. 913—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 915. Relating to Geneva County and the compensation of the coroner; amending Act No. 81-367, H. 896, 1981 Regular Session (Acts 1981, p. 535), which sets the compensation of the coroner, so as to increase the expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 915, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Britnell (With Notice and Proof):

H. 916. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other

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consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 916, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 915 and 916—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren (With Notice and Proof):

H. 736. Relating to Conecuh County; to provide that beer or ale may be sold in cans not exceeding one quart or 32 ounces in size.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 736, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 736—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 919. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 919, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 923. Relating to Coosa County; levying an additional ad valorem tax in said county to be used for certain fire protection and ambulance service and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 923, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 919 and 923—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (W) and Buskey (JE) (With Notice and Proof):

H. 904. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class V municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class V municipalities in the State of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 904, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 926. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department

for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 926, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 904—to the Committee on Local Legislation No. 3

H. B. 926—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McDowell (With Notice and Proof):

H. 792. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 792, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 792—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Logan (With Notice and Proof):

H. 721. Relating to Marion County; authorizing the county commission to levy and collect a special county privilege and license tax paralleling the

state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes if levied by the county commission; and providing for enforcement of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 721, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dillard (With Notice and Proof):

H. 872. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas north and east of and contiguous to existing corporate limits to be included within the town.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 872, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 721 and 872—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RW) (With Notice and Proof):

H. 786. To create in the City of Tuscaloosa, Alabama, a pension fund for all retired Special Police Officers of the City of Tuscaloosa appointed pursuant to the provisions of Act 96 of the 1975 4th Special Session (Acts of 1975, p. 2776).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 786, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 786—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Black and Blakeney (With Notice and Proof):

H. 902. Relating to Choctaw County; providing further for the compensation of the judge of probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 902, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 906. Relating to Cleburne County; authorizing the renewal of business licenses by mail; authorizing certain additional fees and cost pursuant to such system of renewal; and providing that such fees shall be set by the County Commission from time to time to pay the cost of mailing said licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 902 and 906—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (With Notice and Proof):

H. 961. To authorize the Calhoun County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 961, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Knight (With Notice and Proof):

H. 964. Relating to Shelby County; to legalize the sale of draft or keg beer; and to provide for the sale thereof by retail licensees of the Alabama Alcoholic Beverage Control Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 964, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 961 and 964—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 884. Relating to Lee County; providing further for additional costs and charges in all Circuit and District Court cases, excluding Small Claims Division, and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of such funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 884, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 886. Relating to Lee County; authorizing the county commission to levy and collect a one percent sales tax outside the corporate limits of the cities of Auburn and Opelika paralleling the state sales tax provided for in

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Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; and prescribing penalties and fixing punishment for violation of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 886, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 884 and 886—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

Also:

S. 602. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement fund and provide for the use of such fund and effective date.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Williams (With Notice and Proof):

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars retroactive to October 1, 1987.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 895, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 895—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Parker and Drake:

H. 772. To propose an Amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to grant money to the county sheriff's posse.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 772—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Curry (With Notice and Proof):

H. 466. Relating to Jefferson County; amending the title and Sections 2, 3 and 4 of Act No. 406, H. 832, 1967 Regular Session (Acts 1967, p. 1031), which authorize the county commission to impose an occupational tax, so as to prohibit the county commission from imposing and collecting any occupational taxes or taxes based on income.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 466, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 466—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (With Notice and Proof):

H. 758. Relating to Russell County; amending Act No. 81-470, 1981 Regular Session, which provides for an expense allowance for the coroner, so as to provide further for said expense allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 758, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Adams (With Notice and Proof):

H. 759. Relating to Phenix City in Russell County; amending Act No. 71, H. 114, 1977 Regular Session, which provides for a council-manager form of government, so as to provide further for the compensation of the mayor and council members.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 759, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 758 and 759—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

H. 875. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 875, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 879. Relating to Greene County; to levy an excise and privilege tax on the severance of clay, sand, gravel and minerals in said county; to provide for the collection, payment, and administration of such tax; and to provide for the disposition of the proceeds from such tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 879, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 875 and 879—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter (With Notice and Proof):

H. 892. Relating to Limestone County, to provide that the total annual compensation of the chief deputy sheriff shall be an amount equal to seventy-five percent of the total annual compensation paid to the sheriff of said county, to be payable from the county treasury.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 892, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

By Rep. Carter (With Notice and Proof):

H. 893. Relating to the thirty-ninth judicial circuit; providing a certain optional allowance for the district attorney in said circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 893, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 892 and 893—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers (With Notice and Proof):

H. 844. Relating to Pike County; providing further for the compensation of the members of the board of registrars and repealing Act No. 85-990, H. 103, 1985 Second Special Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 844, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 849. Relating to Lamar County; providing for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 849, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 844 and 849—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cosby (With Notice and Proof):

H. 778. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement Fund and provide for the use of such fund and effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 778, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 944. To authorize the Cleburne County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 944, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 778 and 944—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 880. Relating to Lee County; amending Act No. 81-736, H. 1053, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 880, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 881. Relating to Lee County; providing for the creation, appointment, powers and duties of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and providing for the county commission to set the compensation of such officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 881, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 880 and 881—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Petelos and Rogers (With Notice and Proof):

H. 760. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 760, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 760—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Britnell (With Notice and Proof):

H. 917. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act, and providing for an effective date and automatic termination.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 917, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Britnell (With Notice and Proof):

H. 918. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 918, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 917 and 918—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Newton (With Notice and Proof):

H. 728. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 728, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Curry (With Notice and Proof):

H. 812. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 812, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 728 and 812—to the Committee on Local Legislation No. 2

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rains (With Notice and Proof):

H. 957. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City

of Albertville to increase the rate at which said ad valorem tax is levied and collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 957, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Rains (With Notice and Proof):

H. 958. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 958, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 957 and 958—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Turner, and Zoghby (With Notice and Proof):

H. 891. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 891, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 891—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman (With Notice and Proof):

H. 984. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 984, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 984—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J) (With Notice and Proof):

H. 952. Authorizing the Barbour County Commission to compensate a secretary who shall work in the office of the sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 952, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 959. Relating to Bullock County; providing that the sheriff, chairman of the county commission and judge of probate of Bullock County shall receive the same amount of compensation for serving as such officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 959, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 952 and 959—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Blakeney and Black:

H. 901. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Choctaw County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 901—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

H. 894. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for Pike County Government Modernization, so as to provide for: the county unit system; the abolition of the offices of tax assessor and tax collector and the combination of those duties in a new office, the revenue commissioner; and the separation of the duties of judge of probate and chairman of the county commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 894—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

H. 938. To authorize the Clay County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 938, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 951. To fix the fee for the issuance of pistol permits in Clay County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 951, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 938 and 951—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bryant (With Notice and Proof):

H. 855. Relating to Perry County, to amend Act No. 80-492, H. 1040, 1980 Regular Session, which pertains to levying and collecting assessments on forestlands, so as to increase the amount of said levy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 855, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 873. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 873, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 855 and 873—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 768. Relating to Houston County; authorizing the Houston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and providing that the said tax shall be subject to all rules, regulations,

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promulgations, authority and fines of the state department of revenue as are all other similar taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 768, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 768—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 852. To authorize the Geneva County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 852, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 874. Relating to Greene County; to amend Act 87-621 (H. 1101) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 874, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 852 and 874—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (With Notice and Proof):

H. 853. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 853, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Venable (With Notice and Proof):

H. 854. To amend, alter, rearrange, extend, and confirm the boundary lines and corporate limits of the municipality of The City of Tallassee in Elmore County, Alabama and Tallapoosa County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 854, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 853 and 854—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 882. Relating to Lee County; amending Act No. 83-682, S. 547, 1983 Regular Session, which provides for registration fees on mobile homes, so as to increase said fees.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 882, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 883. Relating to Lee County; amending Act No. 81-735, H. 1052, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 883, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 882 and 883—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn (With Notice and Proof):

H. 729. Relating to Colbert County; to amend further Section 2 of Act No. 1144, S. 593, 1969 Regular Session (Acts 1969, p. 2145 and Act 1255, H. 1118, 1969 Regular Session, (Acts 1969, 2372), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 729, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 729—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 839. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 163. HONORING MR. ROBERT P. PARSONS OF DOGWOOD GROVE, ALABAMA.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 838. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1988, and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 840. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 841. To make an appropriation from the State General Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 824. To make appropriations to the Alabama Department of Economic and Community Affairs for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 825. To make appropriations to the Department of Public Health for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 832. To make an appropriation to the Alabama Firefighter's Personnel Standards and Education Commission for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 833. To make an appropriation from the State General Fund to the Office of Prosecution Services for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 835. To make an appropriation from the State General Fund to the Alabama Law Institute for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 836. To make an appropriation to the Alabama State Council on the Arts and Humanities for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 829. To make an appropriation from the State General Fund to the State Building Commission for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 837. To make an appropriation from the State General Fund to the Examiners of Public Accounts for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 826. To make appropriations to the Department of Youth Services for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 827. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 828. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 830. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

Also:

H. 831. To make an appropriation from the State General Fund to the Legislature for the fiscal year ending September 30, 1988 and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 839. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1988, for educational purposes; and to require the repayment of funds expended from the Alabama Special Educational Trust Fund pursuant to the appropriations made in Act 87-715 and subsequently declared to be unconstitutional.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 493

S. B. 566

S. B. 540

S. B. 589

Delivered to the Governor April 11, 1988, at 2:40 P.M.

S. B. 258

S. B. 259

Delivered to the Secretary of State April 11, 1988, at 2:48 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:05 P.M., on motion of Senator Corbett, pending further consideration of the Bill, S. B. 484, the Senate adjourned until Tuesday, April 19, 1988, at 2 o'clock P.M.

TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, APRIL 19, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Ray Campbell, Third Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Rendell Drummond, Falkville Elementary, Falkville, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Covington for today.

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 21, 1988, at 10 o'clock A.M., which motion was adopted.

UNFINISHED BUSINESS**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 484. To amend Title 23, Code of Alabama 1975, so as to provide for the creation and establishment of a State Highway Commission. To define and provide for the appointment, qualifications, duties, compensation and terms of the members of the State Highway Commission. To further define and provide for the office of State Highway Director, to establish for the appointment, qualifications, duties, term and compensation of the State Highway Director. To create and establish the office of Deputy Highway Director. To define and provide the appointment, qualifications, duties and compensation of the Deputy Highway Director. To provide that the State Highway Commission shall be vested with the control and supervision of the State Highway Department. To amend Sections 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-176, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, Code of Alabama 1975; to provide for the duties and responsibilities of the state highway commission. To amend Sections 23-1-150, 23-1-151, 23-1-152, 23-1-154, Code of Alabama 1975, to provide for the makeup of the Alabama highway authority. To amend Sections 23-1-171, 23-1-172, 23-1-174, 23-1-177, Code of Alabama 1975, to provide for the makeup and duties of the Alabama highway finance authority. To amend Sections 23-1-300, 23-1-302, 23-1-303, 23-1-305, Code of Alabama 1975, to provide for the makeup and duties of the Federal Aid Highway Finance Authority. To further amend Sections 9-6A-8, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-17-78, 40-17-224, 41-4-16, Code of Alabama 1975. To provide further for the duties and responsibilities of the members of the state highway commission. To further amend Sections 8-17-91 and 40-12-270, Code of Alabama 1975, so as to provide for the appointment of the members of the secondary road committee and further for the duties of the state highway commission. To further amend Section 29-2-4, Code of Alabama 1975, so as to further provide for the duties of the Permanent Joint Legislative Highway Committee.

The question was on the Hand substitute for the Corbett-Foshee substitute, both of which are set out in the Journal of the Senate for the Twenty-Second Legislative Day.

On motion of Senator Foshee, further consideration of the Bill, S. B. 484, and pending substitutes, was postponed subject to the call of the Chair.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Smith (J) (With Notice and Proof):

S. 674. Relating to Madison County; providing an expense allowance for members of the county board of education.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 674, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Campbell and Hale (With Notice and Proof):

S. 675. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 675, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale (With Notice and Proof):

S. 676. Relating to Cullman County; providing that county supplements paid to court reporters in the Thirty-second Judicial Circuit shall be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 676, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale (With Notice and Proof):

S. 677. Relating to Cullman County; providing a certain county supplement to the salary of each supernumerary court reporter in the Thirty-second Judicial Circuit payable from the county treasury.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 677, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford (With Notice and Proof):

S. 678. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 678, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedford:

S. 679. To amend Section 9-17-1 and Section 9-17-33, Code of Alabama 1975, as amended, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

Committee on Natural Resources.

By Senator Bedford:

S. 680. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Marion County Public Water Authority by a general or a local act of the Legislature.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

By Senator Dial (With Notice and Proof):

S. 681. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 681, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Manley and Sanders:

S. 682. Providing for a local salary supplement for the judge of the 17th judicial circuit; providing that any local salary supplement provided for said judge by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judge and prescribing the methods for determining and funding the local salary supplement provided by this act for said judge.

Committee on Local Legislation No. 1.

By Senator Goodwin (With Notice and Proof):

S. 683. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax

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shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 683, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Langford:

S. 684. To provide for a revision of the adoption laws of Alabama by providing: general provisions, definitions, jurisdiction of court and venue; who may be adopted; for consents or relinquishments; for the form and content of petition for adoption and service of notice; for custody pending final decree, investigation, and contested hearing; for adoption by stepparent or other relative; for grandparent visitation; to allow as a deduction for Alabama income tax purposes certain medical and legal expenses paid by a taxpayer in connection with adoption by amending section 40-18-15, Code of Alabama 1975; to repeal sections 26-10-1 through 26-10-10 and 43-4-1 through 43-4-4, Code of Alabama 1975; to provide for criminal offenses and punishment; and to provide an effective date.

Committee on Judiciary.

By Senator Preuit (With Notice and Proof):

S. 685. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 685, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Goodwin (With Notice and Proof):

S. 686. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used only for the maintenance and repair of the county courthouse, subject to the approval of a majority of the county's qualified electors voting at a referendum election held for such purpose.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 686, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (B) (With Notice and Proof):

S. 687. Relating to Madison County; to further provide that the county commission may provide additional compensation for poll officials in an

amount not less than \$10 per day from the county general fund, by amending Act No. 79-660, Regular Session 1979, (Acts 1979, p. 1142).

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 687, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Rice (With Notice and Proof):

S. 688. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 688, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bailey (With Notice and Proof):

S. 689. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 689, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bailey (With Notice and Proof):

S. 690. To provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 690, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 26. REPEALING ACT NO. 302, H. J. R. 227, 1976, REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED

STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

On motion of Senator Drinkard, said Resolution, H. J. R. 26, was concurred in and adopted by the Senate.

Yeas 15; Nays 5.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt	
Barron	Denton	Hand	Rice	
Cabaniss	Dial	Holmes	Sanders	
Corbett	Drinkard	Langford	Smith (J)	—15

Nays:

Senators:	Bedford	Mitchem	Smith (B)	
Bailey	Dixon			—5

COMMUNICATION FROM THE SUPREME COURT
THE STATE OF ALABAMA - - - - - JUDICIAL DEPARTMENT
THE SUPREME COURT
OCTOBER TERM, 1987-88
Opinion of the Justices No. 328

To the Members of the Senate
State House
Montgomery, Alabama

Dear Senators:

We have received your request for an advisory opinion regarding your resolution exempting S. B. 245 from the budget isolation amendment. Your two inquiries were as follows:

1. Is a 12 to 0 vote in favor of said budget isolation resolution with a declaration by the presiding officer that a quorum was present sufficient to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?
2. Is a minimum of 18 Senators voting required to comply with the requirements of paragraph C of Constitutional Amendment 448 and therefore sufficient to permit S. B. 245 to proceed to final passage and to except said bill from the provisions of paragraph C of Constitutional Amendment 448?

Initially, we note that Amendment 448(c) provides the method for exempting a bill from the Budget Isolation Amendment. It states in pertinent part:

"... provided, . . . , that following adoption, by vote of either house of not less than three-fifths of a quorum present of a resolution

declaring that the provisions of this paragraph (c) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein."

Amendment 448(c) Constitution of Alabama (1901).

It would appear from a reading of the amendment itself that an answer to your second question is readily available. "Section 52 of the Constitution provides that a majority of each house shall constitute a quorum to do business." *ABC Bonding Co. v. Montgomery Ctz. Sur. Com'n*, 372 So. 2d 4, 6 (Ala. 1979), Torbert, C. J., special concurrence. Thus, in the Senate, which has 35 members, the presence of 18 members would be required to constitute a quorum. The only requirement of Amendment 448(c) is that 3/5 of a quorum present vote in favor of passing the resolution. Therefore, if only a quorum of 18 members were present, 3/5 of 18, or 12, Senators would have to vote affirmatively for the resolution. The answer to your second inquiry is "no."

Now we will consider your first inquiry which is more difficult because it involves how a member is determined "present" for the purpose of a vote.

"[E]ach house has the power to adopt some uniform method within proper limits of determining the question of whether a member present, as shown by the journal, but not voting, should be counted to determine the presence of a quorum. *United States v. Bollin*, 144 U.S. 1, 12 S.Ct. 507, 509, 36 L.Ed. 321."

Opinion of the Justices 228 Ala. 140, 143-44 (Ala. 1934). The Senate has adopted such a rule.

"If those who vote are sufficient in number to show that a majority constituting a quorum so acted, those who thus voted only shall be counted as constituting the house for the purpose of that vote; but when any question is put and a quorum is not recorded as voting, the Chair shall, before announcing the vote, on his or her own motion or on suggestion of any Senator, instruct the Secretary to record as present a sufficient number of those Senators physically present to constitute a quorum, though all present are not participating in the vote."¹

Rule 44, Rules of the Senate of the State of Alabama (1988).

In the present case, the journal reflects that the President declared a "quorum was present but not voting." Only 12 votes were offered in favor of the resolution and no one opposed its passage. Your inquiry is whether that 12 to 0 vote was sufficient to meet the Constitutional requirement of Amendment 448(c). We must decline to answer this question as there is insufficient information before the Court. There is no indication in the journal of the exact number constituting the quorum at the time of the vote and thus there is no way for this Court to ascertain whether the 3/5 voting requirement was met.

Your inquiry indicates that the President stated that between 19 and 22 members were present at the time of the vote. However, because only

¹Rule 44 can be interpreted as requiring either an exact number of members present or simply a statement by the President that a quorum is present.

12 members voted we make the following observations: A vote of 12 members would meet the Constitutional requirement of "3/5 of a quorum present" if 18, 19, or 20 members were present. On the other hand, 13 votes would be required if 21 members were present and 14 votes would be required if 22 members were present. Therefore, in the event that either 21 or 22 members were present, a vote of 12 members would fall below the 3/5 requirement.

Respectfully submitted,

Torbert, Chief Justice,
Maddox, Justice,
Almon, Justice,
Shores, Justice,
Beatty, Justice,
Adams, Justice.

OPINION RENDERED

The foregoing Communication from the Alabama Supreme Court, pursuant to S. R. 134, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Higginbotham, Junkins, White (L), Wright, Hettinger, Slaughter, Britnell, Butler, Grouby, Adams, Kvalheim, Richardson, Laird, Walker, Willis, Crow, Mikell, Bowling, Headley, Hooper, Box, Zoghby, McMillan, Turnham, McKee, Layson, Johnson (RW), Rains, Holley, Petelos, Warren, Moon, Marks, Frazier, Hogan, Blakeney, Spratt, Hill, Kennedy, Turner, Johnson (RG), Cosby, Parker, Knight, Gray, Starkey, Lindsey, Freeman, Brooks, Escott, Thomas, Biddle, Clark (J), Burke, Hamilton, Buskey (JE), Newman, Hammett, Black, Faulk, Breedlove, Penry, Poole, and Flowers:

H. 418. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for wholesale, retail and other misdemeanor and felony criminal penalties; to provide for felony penalties for hard core pornography as defined, material previously adjudged as obscene, and the production of or offer of or agreement to produce obscene materials; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violations of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this Act; to provide for the forfeiture of a money

judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed; to provide that city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 418—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, Drake, Grouby, Spratt, Butler, Hill, Holmes, Moon, Williams, Mathis, Laird, Buskey (JE), Reed, Thomas, Crow, Rogers, Grayson, Bowling, Newton, White (F), McClain, Haynes, Johnson (RW), Hall, Buskey (JL), White (L), Holley, Faulk, Poole, Johnson (RG), Bryant, Black, Britnell, Hooper, Hogan, Zoghby, Box, Coburn, Blake, Flowers, Beers, White (G), Mikell, Junkins, Newman, Lindsey, Turner, Dillard, Headley, McDowell, Clark (W), Slaughter, Biddle, Walker, Hammett, Kvalheim, Starkey, Payne, Carter, Beasley, Parker, Bugg, Escott, Marietta, Fuller, Venable, Warren, and Goodwin:

H. 516. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal anti-discrimination requirements.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 516—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Laird, Richardson, Layson, Mikell, Grouby, Blakeney, Wright, Adams, Butler, Curry, Willis, Headley, Warren, Newman, Logan, Lindsey, Hooper, Blake, Gaston, Marks, Hamilton, White (F), Britnell, Carter, Ford, Moon, Burke, White (L), Walker, Hogan, Zoghby, Hill, Knight, Dillard, Johnson (RG), Crow, Breedlove, Beasley, Turner, McMillan, Fuller, Bryant, Newton, Escott, Kennedy, McClain, Spratt, Rains, Clark (J), Frazier, McKee, Box, Penry, Faulk, and Starkey:

H. 341. To levy a tax on all tobacco products; to amend section 40-25-23, Code of Alabama 1975, relating to the disposition of revenue collected under the tobacco tax, so as to provide further for said disposition of revenue; to provide for the elimination of all tobacco taxes by any city, town or county; to amend section 40-25-41, Code of Alabama 1975, relating to the use tax on tobacco products, so as to provide further for said tax; and to repeal sections 40-25-2, 40-25-3, 40-25-4 and 40-25-29, Code of Alabama 1975, relating to the tax on tobacco products.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 341—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hettinger:

H. 321. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing

penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 321—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Marietta, Zoghby, Kvalheim, Kennedy, Buskey (JE), Clark (W), Gaston, Harper, and Box (With Notice and Proof):

H. 949. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama; First, Second, Third Special Sessions, 1982. p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 949, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 949—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Laird, Kvalheim, Turnham, Richardson, Layson, Hammett, Mikell, Burke, and Fuller:

H. 306. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the

establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 306—to the Committee on Business and Labor Relations

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Beasley, and Mathis:

H. 963. To provide a form of municipal government to be known as the Mayor/Commission/City Manager form of government, which may be adopted by any Class 5 municipality in the State of Alabama; to provide the method by which any such city may adopt the Mayor/Commission/City Manager form of government; to define and provide the legal status, form of government and powers of any such city under the Mayor/Commission/City Manager form of government; to provide as the governing body of such city a city commission; to provide for a Mayor elected at-large and a four (4) member Commission elected from single-member districts, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and Commissioners and for the filling of vacancies in the office of Mayor and Commissioners and to provide the duties and authority of the Mayor and Commissioners; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission and adoption and the effect thereof; to provide for the terms and effects of succession in government of any city adopting the Mayor/Commission/City Manager form of government; to make various other provisions for any such city which adopts the Mayor/Commission/City Manager form of government and for the government thereof; and to provide for the means of abandoning the Mayor/Commission/City Manager form of government and the adoption by the city of other forms of municipal government in lieu thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 963—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper, Campbell, Fuller, Newman, Cosby, Johnson (RW), Burke, Gaston, Hettinger, Faulk, and Freeman:

H. 360. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 360—to the Committee on Public Welfare

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Johnson (RG), Biddle, Haynes, White (L), Faulk, Butler, Freeman, McClain, Hall, Kvalheim, Williams, and McDowell:

H. 638. To amend Title 22, chapter 32, Code of Alabama 1975, relating to the Southeast Interstate Low-Level Radioactive Waste Management Compact, so as to clarify the withdrawal criteria for a party state, to specify host state requirements, and to clarify the designation of Alabama's commissioners.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 638—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (RG):

H. 719. To establish the Alabama Underground Storage Tank Trust Fund; to provide for an annual underground storage tank trust fund fee, to be imposed upon underground storage tanks and that said fee may not exceed \$150 per regulated tank or be reduced below \$10 per regulated tank; provides that in the first year the tank fee will be set at \$100 per regulated tank; to provide for timely payments thereof and penalties for failure to pay the fees; to provide that the tank fee shall be held in a revolving trust fund and that the amount of the fund shall accumulate until the Fund reaches ten million dollars (\$10,000,000.00); to provide that the fees will abate when the total amount of the Fund reaches ten million dollars (\$10,000,000.00), and that the fee will be reimposed only when the Fund has been reduced to seven and one-half million dollars (\$7,500,000.00); to provide for the imposition of the \$150 fee if at the end of any fiscal year the Fund has less than \$250,000; provides for special assessment of fees to protect the financial integrity of the Fund; establishes an Advisory Board to advise the Department of Environmental Management on certain matters; satisfies financial responsibility requirements for underground storage tank owners or operators as required by federal law; to provide for payment from the Fund for clean-up costs and third party claims; to provide for the method of proceeding with third party claims; gives the Attorney General authority to defend the Director representing the Fund and to have the costs reimbursed from the Fund; and to provide that none of the particulars of the Fund are admissible in court, provides for notification, guidelines and effective dates.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 719—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Johnson (RG), Biddle, Haynes, White (L), Faulk, Butler, Freeman, McClain, Hall, Kvalheim, Williams, and McDowell:

H. 639. To amend section 22-14-14, Code of Alabama 1975, relating to radiation control, so as to provide for civil penalties for users of radioactive material and to provide for the regulation and certification of volume re-

duction of low-level radioactive wastes and the collection of fees from federal licenses requesting certification.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 639—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Marietta, Box, Walker, Freeman, Hammett, Campbell, Fuller, Carter, Harper, Ford, Brooks, Starkey, Faulk, Hettinger, Kvalheim, Williams, White (L), Slaughter, McMillan, and Clark (J):

H. 391. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 391—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 156. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service

out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 156—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 182. To amend sections 27-10-20, 27-10-22, 27-10-24, 27-10-26, 27-10-31 and 27-10-35, Code of Alabama 1975, which relate to surplus line insurance, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; to amend policy endorsement requirement; to provide further for eligibility requirements of certain non-licensed insurers; to exclude brokers from payment of surplus line tax on coverage insuring governmental entities; to exempt governmental entities from payment of surplus line tax and to provide for an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 182—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Hettinger and Carter:

H. 696. To amend Sections 11-98-2, 11-98-4 and 11-98-5 of the Code of Alabama 1975, as amended, relating to emergency telephone service so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers and to provide that such districts may receive certain

property and make certain expenditures; designating the Alabama Emergency Management Agency as the State Coordinating Agency for emergency telephone service.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 696—to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 495. To amend Code of Alabama 1975, §32-5A-191, to provide that the driver of a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer with a gross vehicle weight rating of 10,001 pounds or more, or the driver of a bus, or the driver of a school bus, or the driver of a taxicab, who has 0.04 percent or more by weight of alcohol in his blood, commits the crime of driving under the influence of alcohol.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 495—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holley, Higginbotham, Fuller, Flowers, Williams, and Reed:

H. 386. To amend Code of Alabama 1975, Section 36-15-10, to provide for the appointment of three Executive Assistants to the Attorney General.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 386—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 279. To amend section 32-6-8, Code of Alabama 1975, relating to learners' permits, so as to provide for a four-year learner's license and increase the fees accordingly.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 279—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 226. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 226—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 983. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 983—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Payne, Williams, Zoghby, Carter, Kennedy, and McMillan:

H. 933. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 933—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Marietta, Box, Walker, Freeman, Hammett, Campbell, Fuller, Carter, Harper, Ford, Brooks, Starkey, Faulk, Hettinger, Kvalheim, Williams, White (L), Slaughter, McMillan, and Clark (J):

H. 392. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or

manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with, the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms and to repeal all conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 392—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 187. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 187—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 763. To provide for a supplemental appropriation from the general fund to the Emergency Management Agency for the fiscal year ending September 30, 1988 to be used for Emergency Operations Center prototype development and construction.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 763—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hettinger, Breedlove, Butler, and Gaston:

H. 429. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 429—to the Committee on Economic Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (G):

H. 333. To levy a fee of \$4.00 per ton on operators of commercial sites for the disposal of hazardous waste for each ton of hazardous waste received

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for disposal at such sites; to define certain terms; and to provide that the operators of such sites shall pay all such fees to the State general fund.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 333—to the Committee on State Development and Tourism

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 273. To provide for a services fee when personnel of the department of public safety provide testimony, depositions or a related service relative to a civil matter.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 273—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 280. To amend section 32-2-8, Code of Alabama 1975, to increase the fee charged for a copy of any record in the files of the department of public safety.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 280—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 899. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 899—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Buskey (JE), Zoghby, Kennedy, and Clark (W):

H. 813. Relating to the Alabama Department of Forensic Sciences; to authorize the transfer of two drug chemists from the Mobile City Laboratory into the Alabama Department of Forensic Sciences Mobile Laboratory; to authorize their appointment from the Certified List of Eligibles regardless of their standing on the list and to provide for any accrued retirement benefits to be handled as per current law.

WHEREAS, the City of Mobile Police Department now funds and operates a city drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences now funds and operates a similar drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences provides drug chemistry testing and other forensic services to all other Alabama cities and counties; and

WHEREAS, the City of Mobile and the Alabama Department of Forensic Sciences desire to reduce taxpayer costs; and

WHEREAS, both agencies desire to consolidate the drug chemistry laboratories in Mobile; and

WHEREAS, the two city employees are now on the appropriate Merit System register of qualified applicants; and

WHEREAS, the acceptance of the two employees will not violate, but indeed will enhance the pertinent federal court order on state hiring; now therefore,

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 813—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 278. To amend section 32-6-15, Code of Alabama 1975, relating to drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 278—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

H. 861. To amend Sections 32-8-6, 32-8-7, and 32-8-87, Code of Alabama 1975, so as to simplify the motor vehicle title transaction fee schedule, increase the designated agent's commission for services rendered to \$1.00, provide an additional processing fee of \$1.00 for certain county officials, and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 861—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 762. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 762—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 276. To amend section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of a driving record from \$4.00 to \$7.50.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 276—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mikell and Breedlove:

H. 506. To amend sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 506—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 987. To propose an amendment to the Constitution of 1901 pertaining to Limestone County, to provide that no police jurisdiction of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 987—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes (With Notice and Proof):

H. 977. Relating to Talladega County; to provide for the establishment of a Civil Service System; to provide for definitions, exempt and classified services; to provide for exemption, merit principle, civil service board and expenses; to provide for rules, classification and pay plans; to provide a register of eligible persons, filling vacancies in classified service; to provide for disciplinary action; to provide for complaints by private citizens; to provide for political activities; to provide for employee organizations; to provide for departmental work rules; to provide for a transitional period; to provide for certain unlawful acts and to provide penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 977, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mikell (With Notice and Proof):

H. 1022. To authorize the Elmore County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1022, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 977 and 1022—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Penry and McMillan (With Notice and Proof):

H. 972. Relating to Baldwin County; authorizing the circuit and district court judges in said county to conduct non-jury court proceedings in certain branch courthouses within the county not to exceed a total of 160 days during any year; and providing for a referendum on such authorization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 972, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 972—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

H. 971. Relating to Baldwin County; to amend Section 1 of Act No. 57, S. 71, Second Special Session 1978 (Acts 1978, p. 1745), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof and expressing legislative intent that the fee collected is in addition to other appropriations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 971, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dillard (With Notice and Proof):

H. 975. To authorize the Lawrence County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 975, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 971 and 975—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (RG):

H. 910. Relating to Talladega County; proposing an amendment to the Constitution of Alabama of 1901 to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for construction or financing or refinancing construction of a county jail; and providing for the removal of such fee in certain circumstances and the use of the fee not removed.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 910—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren (With Notice and Proof):

H. 976. To authorize the official court reporter of the Thirty-fifth Judicial Circuit to enroll, retroactively, in the retirement system of either or both of the counties comprising said circuit, notwithstanding the strictures of Title 36-27-6, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 976, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 976—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 588. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, as amended, relating to the Office of Circuit Solicitor of the 31st Judicial Circuit of Alabama, and to provide for its retroactive effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 931. To amend §40-26-1, Code of Alabama 1975, to include in the levy of the lodgings tax State Park facilities rented by the Alabama Department of Conservation and Natural Resources, and by clarifying exemptions to the tax to state more clearly the intent thereof.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 931—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Marks (With Notice and Proof):

H. 981. To authorize the Morgan County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 981, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 981—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

H. 969. Relating to Baldwin County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 969, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 970. Relating to Baldwin County; repealing Act No. 87-770, H. 1053, 1987 Regular Session (Acts 1987), which relates to gasoline tax for highways and bridges.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 970, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 969 and 970—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

H. 765. To further amend Act No. 81-450, H. 825, Regular Session 1981 (Acts 1981, p. 773), which act, as amended, relates to Mobile County and authorizes the county commission to establish a solid waste management program in the unincorporated areas of the county, so as to provide for the removal and reappointment of appointed members of the Solid Waste Management Advisory Board who miss two or more consecutive meetings of the board, and to provide for a procedure for giving notice and making recommendations pursuant to proposed increases in the fees charged by residential collectors.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 765, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Lindsey (With Notice and Proof):

H. 1019. Relating to Cherokee County; repealing Act No. 1037, S. 929, Regular Session 1973 (Acts 1973, p. 1572), requiring certain identification tags for house trailers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1019, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 765—to the Committee on Local Legislation No. 3

H. B. 1019—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Newman, Moon, Freeman, Marks, Haynes, Hettinger, Penry, Bowling, Faulk, Turner, Kennedy, Thomas, Coburn, and Goodwin:

H. 500. To amend Section 9-17-1 and Section 9-17-33, Code of Alabama (1975), as amended, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 500—to the Committee on Natural Resources

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 473. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 473—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Poole:

H. 644. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 644—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Payne:

H. 131. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 131—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 270. To establish the Alabama criminal justice system council on crime and punishment; to provide for the membership on the council; to prescribe the duties and authority of the council; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 270—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mikell:

H. 458. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfers" tax, thereby adding revenues to the State of Alabama without increasing the total tax liability of taxpayers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 458—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper, Newman, Box, Turner, Clark (W), Butler, Breedlove, Kvalheim, Clark (J), Fuller, Hammett, Venable, Hettinger, Slaughter, Marietta, Campbell, Freeman, Adams, White (F), Hall, Petelos, Gray, Junkins, Williams, Turnham, Knight, and Johnson (RW):

H. 695. To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from offshore wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at four percent.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 695—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Brooks:

H. 290. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 290—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 179. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys

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shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 179—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Hooper:

H. 472. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 472—to the Committee on Finance and Taxation

REPORTS OF COMMITTEES

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedford, Drinkard, Smith (J), Holmes, Parsons, Corbett, Bishop, Langford, Bailey, Campbell, Mitchem, Bennett, Goodwin, Figures, Covington, Denton, Amari, Preuitt, Horn, Foshee, deGraffenried, and Barron (With Substitute):

S. 284. To provide a 12 percent pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a pay increase for certain retired education employees and to appropriate additional funds; to provide a continuing pay increase provision of 10 percent for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide at least a 5

percent increase for full-time personnel on all Salary Schedules in all public two-year colleges and to require a revision of the Salary Schedule; to grant two-year college personnel credit for prior work experience at the post-secondary level; to prescribe a manner for payment; and to provide an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hand:

S. 627. To further provide for certain purchases by local boards of education.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Amendment):

S. 610. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 225. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 215. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 647. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

REGULAR SESSION
26th Day

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Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 639. To make an appropriation to the Alabama Small Business Development Consortium for the fiscal year ending September 30, 1989, for educational purposes.

By Senator Horn (With Amendment):

S. 648. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 638. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1989, for educational purposes.

By Senator Horn:

S. 218. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center, Central Alabama for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 642. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1989 for educational purposes; and to make a legislative finding.

By Senator Horn:

S. 646. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 634. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 222. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 641. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute):

S. 637. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 224. To make an appropriation from the Alabama Special Educational Trust Fund to the DAR School, Kate Duncan Smith for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Horn:

S. 640. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

By Senator Horn:

S. 636. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

By Senators Barron and Cabaniss:

S. 620. To provide that no member of the teachers' retirement system of Alabama or any person retired therefrom, who as a student had prior full time employment with a state supported educational institution of higher learning, may purchase credit for such service after a specified time period and then only subject to certain conditions and limitations; to provide for the certification and purchase of such service. To provide further for the exclusion from membership of student employees in higher education whose employment is incidental to their student status, and who are hired after the effective date of this act; and to exclude from membership in the teachers' retirement system of Alabama any employee who is a student in a primary or secondary school.

By Senator Horn:

S. 635. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

By Senators Amari and Parsons:

S. 466. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were members of the Employees' Retirement System of Alabama on June 1, 1986, and who have prior employment with counties in Alabama for which they were ineligible to gain credit.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Butler, Hooper, and Slaughter (With Substitute) (With Amendment):

H. 2. To amend Section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts; to obtain assistance from the department of examiners of public accounts and the Legislative Fiscal Office; and to authorize the Legislative Fiscal Office to conduct program evaluations in its assistance to the committee.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 655. To provide for an appropriation to the Alabama Plumbers and Gas Fitters Examining Board from the Alabama Plumbers and Gas Fitters Examining Board Fund in the amount of \$202,913.00 for the fiscal year ending September 30, 1988.

By Senator Figures:

S. 624. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

By Senator Goodwin:

S. 434. To provide for a minimum salary for certain probate judges.

By Senator Bedford:

S. 511. To amend Section 12-14-14, Code of Alabama 1975, which provides for court costs in municipal courts, so as to increase said costs and provide for the distribution of the proceeds from the increased costs.

By Senators Mitchem, Campbell, Denton, Preuit, Covington, Foshee, Amari, Bailey, Bennett, Hale, Smith (J), Drinkard, Corbett, and Holmes:

S. 161. To amend Sections 17-4-153 and 17-4-188, Code of Alabama 1975, as amended by Act No. 87-577, H. 85, 1987 Regular Session, which

provides for the compensation of members of the boards of registrars, so as to increase said compensation.

By Senator Mitchem:

S. 318. Relating to Title IV-D child support collections; to provide that the department of human resources or its designee shall be responsible for child support collections or collection services pursuant to Title IV-D of the Social Security Act; to provide that the courts shall order that such support shall be paid to the department of human resources or its designee and that the courts are authorized to issue blanket orders redirecting support payments ordered prior to the effective date of this act; and to provide that the department and the administrative office of courts shall promulgate procedures so that this act shall be operational and implemented on October 1, 1988.

By Rep. Harper:

H. 262. To provide for a supplemental appropriation to the Department of Economic and Community Affairs (ADECA), for the Planning Program for the period ending September 30, 1988, in the amount of \$300,000.

By Senator Goodwin:

S. 360. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

By Senators Ellis and Barron:

S. 495. To amend Section 36-27-1, Code of Alabama 1975, by deleting the exception of department head from the definition of an employee eligible to participate in the State of Alabama retirement system.

By Senator Ellis:

S. 532. To amend Section 40-23-35 of the Code of Alabama 1975, relating to the disposition of revenues from certain taxes, so as to provide that sales tax revenues payable to the department of human resources for the administration of a food stamp program shall be made based upon the value of food stamp benefits in coupons, cash or otherwise.

By Senator Langford:

S. 541. To create the "Alabama Small and Disadvantaged Business Assistance Act of 1988"; provides definitions; creates a small and disadvantaged business advisory council within the department of finance; provides for an advocate; provides for a statewide contracts register; provides a penalty with respect to certain late payments by contractors to subcontractors and suppliers; directs the finance department to have reported from the state accounting system certain disbursements made to small businesses; requires agencies to consider the impact of certain actions under the Administrative Procedure Act upon small businesses; provides procedures; creates the Alabama disadvantaged business investment board; provides for an executive director and employees; provides powers; provides conditions for board action; creates the Alabama investment incentive trust fund; provides for Alabama guarantor funds; provides for capital participation instruments; provides for investments in capital participation instruments; provides for the powers of the division of purchasing of the finance department; provides for the certification of disadvantaged business enterprises; requires state agencies to utilize disadvantaged business enterprises; authorizes agencies to reserve

certain competitive bid contracts for certified disadvantaged business enterprises; establishes the disadvantaged business enterprise assistance office within the department of finance; provides for agency disadvantaged enterprise assistance; provides that no surety bonds issued by certain insurers shall be refused under certain circumstances; and provides for penalties for violations of this act.

By Senator Horn:

S. 633. To make an appropriation from the State General Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

By Senator Horn:

S. 644. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

By Senator Horn:

S. 631. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

By Senator Horn:

S. 632. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 257. To make a supplemental appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Senator Barron:

S. 657. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper and Turnham (With Substitute) (With Amendments):

H. 134. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett and Bedford (With Substitute):

S. 28. To make appropriations from the general fund of the state treasury for the creation of the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§9601 et seq.; to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to provide that the sites within the state shall be ranked according to their relative threats and the fund applied to the sites in the order of that ranking; to direct the Alabama Department of Environmental Management to secure other funds whenever possible; to provide for future appropriations to the fund; to provide for civil penalties against violators; to limit the maximum penalty; and to provide that said appropriations shall be supplemental to any and all other funds.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (RG):

H. 345. To propose a constitutional amendment to Amendment 81 of the Constitution of Alabama of 1901, relating to the holding of courts of record and the establishment and abolition of branch courthouses and divisions of circuit court, so as to provide that habeas corpus and coram nobis proceedings in circuit court may be held at any correctional institution operated under the direction and control of the State Department of Corrections wherein the person seeking the writ is confined; to provide for security during such proceedings; to delete those provisions of Amendment 81 that are in conflict with Amendment 328 to the Constitution of Alabama of 1901, as amended, and to provide for an election on the proposed amendment and notice thereof.

The above Bill was read a second time at length as required by the Constitution.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Amari, Campbell, and Preuitt (With Amendment):

S. 280. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 403. To amend Sections 41-4-110, 111, and 113, Code of Alabama 1975, so as to change the name of the Division of Purchases and Stores to the Division of Purchasing and to remove anachronistic language relating to the maintenance by the division of storerooms for storage and distribution of personal property.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

S. 491. To establish a new regulatory and licensing board for the practice of cosmetology and barbering; to create the Alabama board of cosmetology and barbering; to provide for suspension and revocation of licenses; to prescribe penalties for certain violations; and to repeal chapters 5 and 7 of Title 34, Code of Alabama 1975, relating to barbers and cosmetologists.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Rice, Dial, Manley, Bedsole, Hale, Preuit, and Cabaniss:

S. 503. To authorize the State Department of Veterans' Affairs to operate a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home and to create a veterans' home trust fund.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

S. 507. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension,

revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 537. To direct the Department of Human Resources to establish and administer a welfare employment program; to prescribe the intent; to provide goals and mandates of such program; to provide areas for funding; to require certain applicants for and recipients of public assistance to participate in the employment program; to require annual reports to certain committees of the Alabama legislature; and to repeal Sections 38-11-1 through 38-11-12 of the Code of Alabama 1975 relating to an Alabama human resources board and public works program for certain persons on public assistance.

By Senator Sanders:

S. 539. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

By Senator Mitchem:

S. 547. To promote greater mission compatibility among state agencies by amending section 41-9-90.1, Code of Alabama 1975, relating to the state athletic commission, so as to transfer the clerical support function and joint responsibility of promulgating administrative rules and regulations of the commission from the department of revenue to the physical fitness commission; and to amend section 41-9-96, Code of Alabama 1975, relating to the collection of certain license and permit fees, so as to transfer the administration and collection of license and permit fees to the physical fitness commission.

By Rep. Carter:

H. 153. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

By Rep. Turnham:

H. 185. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable

report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Campbell, White (L), Brooks, and Butler (With Substitute) (With Amendments):

H. 493. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 350. To create and establish the "Alabama Convention Facilities Act"; to authorize the legislature to appropriate certain sums from the state sales tax proceeds and the state transient occupancy (lodging) tax proceeds, based on a prescribed formula after a hearing process by the Director of Finance and information determined by the Director of Finance, to the cities and counties and their entities or authorities, building eligible facilities to assist in the payment of the debt service on bonds issued in connection with such facilities; to define the powers and responsibilities of the Director of Finance, the State Treasurer, and the cities, counties and authorities; to authorize payments, based on legislative appropriations; and to establish the "Convention Facilities Fund."

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Biddle, Drake, Johnson (RW), Cosby, Breedlove, Britnell, McMillan, Kvalheim, Mikell, Beers, Gray, Curry, Carter, Campbell, Higginbotham, Hammett, Butler, Knight, Rogers, Harvey, Johnson (RG), Clark (W), Gaston, Kennedy, Newton, Venable, White (L), Mathis, Blakeney, Holley, Bowling, Coburn, Ford, Holmes, Buskey (JL), Bryant, Warren, Faulk,

Bugg, McDowell, Wright, Petelos, White (G), Carothers, and Zoghby
(With Substitute):

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as _____ Bill No. _____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Biddle, Drake, Cosby, Britnell, McMillan, Kvalheim, Mikell, Beers, Gray, Curry, Butler, Carter, Campbell, Higginbotham, Hammett, Rogers, Harvey, Johnson (RG), Clark (W), Johnson (RW), Gaston, Kennedy, Newton, Venable, White (L), Mathis, Blakeney, Holley, Coburn, Ford, Buskey (JL), Bryant, Warren, Faulk, Bowling, Bugg, McDowell, Wright, Petelos, Knight, White (G), Zoghby, and Carothers (With Amendment):

H. 748. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular

Session of the Legislature of Alabama that was introduced as H Bill No. 747; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Barron (With Notice and Proof):

S. 656. To amend Section 1 of Act No. 85-557, H. 1028 of the 1985 Regular Session (Acts 1985, p. 856), authorizing the county governing body to levy a tax on tobacco products in DeKalb County, so as to provide further for the amount of such tax and the manner of levying such tax.

By Senators Smith (B), Hale, and Smith (J) (With Notice and Proof):

S. 651. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city.

By Senators Hale and Campbell (With Notice and Proof):

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

By Senator Barron (With Notice and Proof):

S. 531. Relating to DeKalb County; providing for an advisory referendum on the question of electing the county commissioners and the members of the county board of education from defined districts.

By Senator Bedford (With Notice and Proof):

S. 591. Relating to Fayette County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Senator Barron (With Notice and Proof):

S. 592. Relating to DeKalb County; authorizing the County Board of Health to designate the services rendered by the County Board of Health for which a reasonable fee may be charged and set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

By Senator Barron (With Notice and Proof):

S. 605. Relating to DeKalb County; providing that certain county employees may be employed in the offices of certain elected county officials

and providing that such employees shall be paid from the county general fund.

By Senator Mitchem (With Notice and Proof):

S. 607. To permit banks now or hereafter situated in Marshall County to establish, maintain and operate branch banks and branch offices within the limits of such county, except within the city limits of incorporated municipalities having a population of 5,000 or less in accord with the present or any subsequent federal decennial census and in which a bank is already established, to authorize the conduct of a general banking and trust business at such locations; and to repeal conflicting laws.

By Senator Smith (J) (With Notice and Proof):

S. 615. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

By Senator Mitchem (With Notice and Proof):

S. 658. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

By Senator Mitchem (With Notice and Proof):

S. 618. To authorize the Marshall County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Senator Mitchem (With Notice and Proof):

S. 659. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and collected shall expire twenty years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

By Senator Bedford (With Notice and Proof):

S. 665. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended;

specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

By Senator Bedford (With Notice and Proof):

S. 666. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Senator Bedford (With Notice and Proof):

S. 667. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Senator Bedford (With Notice and Proof):

S. 668. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Marks (With Notice and Proof):

H. 621. Relating to Morgan County; to authorize and regulate the issuance of motor vehicle license tags, boat licenses, and business licenses by mail; to authorize a fee for such services; to authorize periodic mailing of notices for renewal of said licenses and tags; and to specifically repeal and supersede Act No. 641, S. 657, 1969 Regular Session (Acts 1969, p. 1171).

By Rep. Beasley (With Notice and Proof):

H. 687. Relating to Henry County; to authorize the Henry County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Substitute):

H. 716. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county commission or the governing body of any municipality in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

The above Bill was read a second time at length as required by the Constitution.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Rep. Layson (With Notice and Proof):

H. 743. Relating to the twenty-fourth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

By Rep. Laird (With Notice and Proof):

H. 857. Relating to Randolph County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Holley (With Notice and Proof):

H. 784. Relating to Coffee County; providing an expense allowance for members of the board of equalization; and providing for retroactive effect.

By Rep. Lindsey (With Notice and Proof):

H. 787. Relating to Cherokee County; authorizing the county board of health to designate the services rendered by the county board of health for which a reasonable fee may be charged and to set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

By Rep. Holley (With Notice and Proof):

H. 793. Relating to Coffee County; amending Section 4 of Act No. 87-337, H. 392, 1987 Regular Session (Acts 1987, p. 491), which levies a county privilege, license or excise tax on tobacco and certain tobacco products and provides for the distribution of said proceeds for county fire protection, so as to authorize the county commission to enter into a service contract to provide county fire protection with one association composed of volunteer fire departments and municipally funded fire departments; providing for the distribution of compensation paid to such association for services rendered; authorizing such association to require certain standards and criteria for its members and to deny funds to noncomplying members; and providing for retroactive effect.

By Rep. Rains (With Notice and Proof):

H. 957. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn (With Notice and Proof):

S. 20. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

By Senator Horn (With Notice and Proof):

S. 369. Relating to Class 1 municipalities; to exempt such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

By Senator Parsons (With Notice and Proof):

S. 458. Relating to Jefferson County; to amend further Section 22 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), relating to dismissals, demotions and suspensions in civil service systems for certain counties classified on a population basis, so as to provide further for such dismissals, demotions and suspensions.

By Reps. Gray, Petelos, Spratt, Rogers, Perdue, Newton, Curry, McClain, White (G), Davis, McDowell, Beers, and Biddle (With Notice and Proof):

H. 558. Relating to Jefferson County; authorizing retirees under the Retirement and Relief System of the City of Birmingham and the Retirement System of Jefferson County, who are elected to city or county offices, to receive both the retirement benefit and the salary for the public office.

By Rep. McDowell (With Notice and Proof):

H. 591. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

By Reps. Gray, Payne, Beers, Wright, Newton, Perdue, Spratt, Petelos, McDowell, Seibels, Rogers, Slaughter, Curry, White (G), and Escott (With Notice and Proof):

H. 684. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts

of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

By Rep. Newton (With Notice and Proof):

H. 697. Relating to the governing body of Jefferson County, Alabama; to authorize the Jefferson County Commission to employ administrative assistants, confidential secretaries and to set their compensation. To exempt such positions from any merit system and to provide other employment benefits.

By Rep. Newton (With Notice and Proof):

H. 698. Relating to Jefferson County, to amend Act No. 1123, H. 1145, 1973 Regular Session, which regulates zoning classifications, so as to provide further for the mailing of notifications of any zoning changes.

By Rep. White (G) (With Notice and Proof):

H. 727. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain valid licensees of brewed malt beverages or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that the Alcoholic Beverage Control Board shall establish the said special license and fees therefor; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed beverages or malt liquors; to provide that certain manufacturers may also be licensed to sell said brewed beverages or malt liquors to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

By Rep. White (G) (With Notice and Proof):

H. 725. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

By Reps. Petelos and Rogers (With Notice and Proof):

H. 760. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Newton (With Notice and Proof) (With Amendment):

H. 728. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Slaughter, Petelos, White (G), and McDowell (With Notice and Proof):

H. 766. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

By Rep. McDowell (With Notice and Proof):

H. 792. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

By Rep. Curry (With Notice and Proof):

H. 812. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. McDowell, McClain, and Curry (With Notice and Proof) (With Substitute):

H. 869. Relating to Jefferson County to abolish the office of Assistant Sheriff, Bessemer Division; to create the office of Chief Deputy Sheriff, Bessemer Division; to prescribe the duties, responsibilities, and term; to provide for the appointment, qualification, and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Rogers, Spratt, Davis, McDowell, McClain, Newton, and Curry
(With Notice and Proof):

H. 898. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 654. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

The above Bill was read a second time at length as required by the Constitution.

By Senator Figures (With Notice and Proof):

S. 673. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

By Senator Figures (With Notice and Proof):

S. 669. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama, First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

By Rep. Marietta (With Notice and Proof):

H. 432. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class II municipality in the State of Alabama,

establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class II municipalities in the State of Alabama.

By Rep. Marietta (With Notice and Proof):

H. 433. Relating to Mobile County providing a supplement for the Supernumerary Clerks and Register of the Circuit Court of the Thirteenth Judicial Circuit, State of Alabama.

By Rep. Turner (With Notice and Proof):

H. 752. Relating to Mobile County; to provide that the license commissioner shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the license commissioner may charge an additional \$1.00 to the boat owner for each such certificate issued by mail.

By Rep. Zoghby:

H. 781. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Kennedy, Turner, and Zoghby (With Notice and Proof):

H. 891. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

By Reps. Clark (W) and Buskey (JE) (With Notice and Proof):

H. 904. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class V municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class V municipalities in the State of Alabama.

By Reps. Zoghby and Marietta (With Notice and Proof):

H. 913. To amend Section 7 of Act No. 31 of the Second Special Session 1975 (Acts 1975, p. 141), as amended, which relates to the incorporation in any municipality, having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal

decennial census, of an authority, as a public corporation, for the purpose of providing public transportation service in such county and the compensation of directors of any such authority, so as to further provide for the number of directors.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 663. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders:

S. 257. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

The above Bill was read a second time at length as required by the Constitution.

By Senator Sanders (With Notice and Proof):

S. 670. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

By Senator Bedford (With Notice and Proof):

S. 672. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

By Rep. Black (With Notice and Proof):

H. 756. Relating to Sumter County; providing for an additional expense allowance and travel allowance for the county coroner.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 219. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Senators Cabaniss, Amari, Bennett, Parsons, Horn, and Hilliard (With Amendment):

S. 251. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Horn, Bailey, and Barron (With Substitute) (With Amendment):

S. 352. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefore, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed \$20,000,000 for such purposes; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services for occupancy by its components; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds; and to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 263. To provide for an increase in the medicaid eligibility requirements for pregnant women at no less than 100 percent of the federal poverty level.

By Senator Rice:

S. 597. To amend sections 22-5A-2 through 22-5A-7, Code of Alabama 1975, relating to the "Long-Term Residential Health Care Recipient Ombudsman Act," so as to provide further for the state ombudsman and community ombudsmen and their powers and duties under the commission on aging.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari and Bedford (With Substitute):

S. 622. To amend and reenact Act No. 87-812, S. 490, 1987 Regular Session (Acts 1987, p. 1616) now appearing as sections 34-37-1 through 34-37-18, Code of Alabama 1975, relating to plumbers and gas fitters, so as to provide further for the Alabama plumbers and gas fitters examining board and certification by the board.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 619. Amending section 3-1-10, Code of Alabama 1975, which provides penalties for unlawfully or maliciously killing or injuring animals or things of value of another by increasing the fine and changing the criminal penalty from six months to up to one year in the county jail.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 52. To provide immunity from personal liability for members of the Alabama Public Service Commission.

By Senator Menton:

S. 73. To amend Section 40-13-8, Code of Alabama 1975, as amended, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holley, Harper, Kennedy, Richardson, Harvey, and Burke (With Substitute):

H. 573. To provide that all federal funds available to the state and designated for agricultural non-point source pollution control shall be directed to the state soil and water conservation committee by the governor.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the state soil and water conservation committee and soil and water conservation districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the state soil and water conservation committee and soil and water conservation districts administer this state cost-share program under the auspices of the Alabama agricultural and conservation development commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality non-point source program; now therefore,

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Preuitt and Dixon (With Substitute):

S. 300. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Rice (With Amendment):

S. 599. To amend section 12-14-15 of the Code of Alabama 1975, relating to the remittitur of fines and court costs by the mayor of a municipality and the commutation of sentences imposed by a municipal court pursuant

to municipal ordinances or state law, so as to prohibit the same for offenses involving the driving of a vehicle while under the influence of alcohol or a controlled substance or the combined use thereof, as well as for offenses involving the driving of a vehicle while the driver's license is suspended or revoked due to a conviction of driving under the influence of alcohol or a controlled substance or the combined use thereof; and to provide for penalties for violations.

Senator Preuitt, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Marks:

H. 37. To amend Section 12-13-41, Code of Alabama 1975, which relates to duties of probate judges of this state, so as to allow the probate judge to maintain a single bound volume, or single data source, for the registration of deeds of conveyance, mortgages and other instruments to secure the payment of debt.

By Rep. Hooper:

H. 105. To amend section 20-2-80, Code of Alabama 1975, so as to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by said section and to provide for distribution of criminal fines.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 15. To further amend Sections 41-9-800 and 41-9-801, Code of Alabama 1975, relating to the Cahaba Trace Commission, so as to increase the membership and to provide terms of office for the members in Autauga County.

Also:

S. 233. Relating to Madison County; providing a certain county supplement to the salary of each supernumerary court reporter in the Twenty-third Judicial Circuit payable from the county treasury.

Also:

S. 602. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement fund and provide for the use of such fund and effective date.

Also:

S. 315. Relating to Madison County; providing for county supplement paid to court reporters in the Twenty-third Judicial Circuit to be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

Also:

S. 480. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to amend section 3 of Act No. 80-485, H. 859, Regular Session 1980 (Acts 1980, p. 755), providing for the parking of jurors, assessment, collection and use of additional taxes to defray the expense of juror parking, so as to increase the amount of such tax from Two (\$2.00) Dollars to Three (\$3.00) Dollars.

Also:

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Melton:

H. J. R. 359. CONGRATULATING MR. AND MRS. SAMUEL A. GRAY, SR., ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Starkey, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable,

Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 361. NAMING ALABAMA HIGHWAY 20 IN COLBERT COUNTY, ALABAMA, THE "J. W. GOODWIN HIGHWAY."

Also:

By Reps. Junkins, Bugg, and Ford:

H. J. R. 362. COMMENDING FLOYD L. DONALD OF GADSDEN, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 359 and 362, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 361, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 408. MOURNING THE DEATH OF MRS. MARIE WALKER OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 408, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Harper, Gaston, Marietta, Kennedy, Buskey (JE), Zoghby, Kvalheim, Box, and Turner:

H. J. R. 430. DESIGNATING APRIL 30, 1988, AS "DAUPHIN ISLAND DAY" IN ALABAMA.

Also:

By Rep. Holley:

H. J. R. 428. COMMENDING FRED DONALDSON OF ENTERPRISE, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND SERVICE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 430 and 428, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Marietta, Zoghby, Gaston, Box, and Harper:

H. J. R. 431. CONGRATULATING MR. MARK LYONS, JR., ON THE OCCASION OF HIS 80TH BIRTHDAY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 431, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (F), Warren, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott,

Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 394. MOURNING THE DEATH OF PHILIP T. MAY OF BREWTON, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 394, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Junkins, Clark (J), McDowell, Spratt, Perdue, Petelos, McClain, Curry, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 397. DESIGNATING A PORTION OF I-59 IN BIRMINGHAM, ALABAMA, AS THE "GEORGE SEIBELS HIGHWAY."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Rules were suspended and the Resolution, H. J. R. 397, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Harper, and Harvey:

H. J. R. 396. EXPRESSING REGRETS AT THE ILLNESS OF W. ERIC RODAWIG AND EXTENDING HIM BEST WISHES FOR A RECOVERY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 396, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 404. DESIGNATING THE LEON MCREYNOLDS LAKE, BALDWIN COUNTY, ALABAMA.

Also:

By Rep. Rogers:

H. J. R. 406. WELCOMING THE HOOPER CITY ALUMNI ASSOCIATION TO THE CITY OF BIRMINGHAM, ALABAMA, FOR ITS BIENNIAL REUNION, AUGUST 10-14.

Also:

By Rep. Campbell:

H. J. R. 410. NOTING WITH COMMENDATION THE ANNIVERSARY CELEBRATIONS OF THE CHOCCOLOCCO COMMUNITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 404, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 406 and 410, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Junkins and Bugg:

H. J. R. 416. COMMENDING TECHTRIX, INC., GADSDEN, ALABAMA, FOR ITS INNOVATIVE ENVIRONMENTAL AND ENERGY EFFICIENT TECHNOLOGY.

Also:

By Reps. Buskey (JL) and Holmes:

H. J. R. 419. MOURNING THE DEATH OF THE REVEREND SOLOMON SNOWDEN SEAY OF MONTGOMERY, ALABAMA.

Also:

By Rep. Carter:

H. J. R. 421. COMMENDING MACK MAPLES OF LIMESTONE COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 416, 419, and 421, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bugg, Junkins, and Ford:

H. J. R. 412. COMMENDING NIKKI TINKER OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Bugg, Junkins, and Ford:

H. J. R. 413. COMMENDING GLADYS MARONA OF GADSDEN, ALABAMA, ON BEING NOMINATED FOR THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME.

Also:

By Rep. Higginbotham:

H. J. R. 414. COMMENDING THE OPELIKA HIGH SCHOOL BAND FOR EXTRAORDINARY ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

**REGULAR SESSION
26th Day**

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HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 412, 413, and 414, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 373. WELCOMING OUR DISTINGUISHED VISITORS FROM THE PEOPLES REPUBLIC OF CHINA.

Also:

By Rep. Breedlove:

H. J. R. 375. CONGRATULATING COACH BILLY HAMILTON AND THE GROVE HILL ACADEMY REBELS ON THE 1987 APSA CLASS 1A FOOTBALL CHAMPIONSHIP.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 373 and 375, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Walker:

H. J. R. 392. COMMENDING THE STAFF MEMBERS OF THE LEGISLATURE FOR THEIR UNTIRING SERVICE AND DEVOTION TO DUTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 392, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 376. COMMENDING THE GADSDEN STATE COMMUNITY COLLEGE BOYS BASKETBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

Also:

By Rep. Layson:

H. J. R. 381. COMMENDING JEAN RUSSELL, ALICEVILLE CHAMBER OF COMMERCE "CITIZEN OF THE YEAR" FOR 1988.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 376 and 381, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Junkins, Bugg, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 387. COMMENDING BRYANT MELTON, JR., OF TUSCALOOSA, ALABAMA.

Also:

By Reps. Holmes, Buskey (JL), and Black:

H. J. R. 388. COMMENDING CHARLES JOHNSON DUNN OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 387 and 388, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Seibels:

H. J. R. 403. MEMORIALIZING CONGRESS TO DESIGNATE ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES.

WHEREAS, the United States has attained hope, strength and preeminence in world affairs through the unified effort of its diversified peoples; and

WHEREAS, continued and lasting unification of our diversified peoples by one language, spoken, written and understood by all citizens, offers the greatest promise of success for our country; and

WHEREAS, the reliance of a society on a single language facilitates the exchange of ideas, feelings, beliefs, and information and the full integration of all its members; and

WHEREAS, the English language is the basic language of commerce, education, and official business in the United States; and

WHEREAS, it is fitting and proper that we recognize the role that the English language plays in the stability of the lives of the people of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Congress of the United States to adopt English as the official language of the United States.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the Clerk of the United States House of Representatives, the Secretary of the United States Senate and each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 403, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Parker:

H. J. R. 368. RECOGNIZING THE 1988 MOST OUTSTANDING STUDENTS IN THE ALABAMA COLLEGE SYSTEM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 368, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harvey, Warren, Ford, and Holley:

H. J. R. 371. DIRECTING THE COMMISSIONER OF THE STATE DEPARTMENT OF REVENUE TO ABIDE BY CERTAIN CUSTOMS AND PRACTICES, RELATING TO AUDITS OF MOTOR FUELS AND THOSE ENGAGED IN BLENDING OF SAME.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Commissioner of the State Department of Revenue to abide by all customs and practices that were in effect prior to July 1, 1987, and which had been in effect for a number of years prior thereto, relating to audits of motor fuels and all those engaged in the blending of ethanol and motor fuels.

BE IT FURTHER RESOLVED, That the Commissioner of Revenue be informed, by copy of this resolution, of this directive of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 371, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper,

Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 348. MOURNING THE DEATH OF JONNA TURNER OF CITRONELLE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 348, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McMillan:

H. J. R. 367. A RESOLUTION COMMENDING THE ALABAMA LEADERSHIP NETWORK FOR ITS BEING THE FIRST SUCH ORGANIZATION IN THE SOUTH, AND TO DESIGNATE OCTOBER 28, 1988, AS A-TEAM DAY IN ALABAMA.

WHEREAS the Alabama Association of REALTORS sponsored a grassroots organization of several hundred civic and community leaders from throughout our State to come together for a Charter A-Team Conference on October 28, 1987, and there former Mississippi Governor William F. Winter spoke on the Report of the Commission on the Future of the South; and

WHEREAS the A-TEAM or ALABAMA LEADERSHIP NETWORK is the first such organization formed in the South to study and promote implementation of that Report called "Halfway Home and a Long Way to Go"; and

WHEREAS the second annual conference on October 28, 1988, will feature a keynote address by Dr. Jesse White, Executive Director of the Southern Growth Policies Board; and

WHEREAS the Legislature has adopted a resolution creating a committee to study the future of Alabama, and feels that participation by Alabama's civic and community grassroots leaders is essential to help Alabama grow;

BE IT THEREFORE RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES HEREOF CONCURRING, that we do hereby commend the A-TEAM (ALABAMA LEADERSHIP NETWORK) and its sponsor, the Alabama Association of REALTORS, for being the first such organization in the South to study and implement key provisions of the important Commission report; and

BE IT FURTHER RESOLVED that we do hereby commend the second annual conference to the State's civic and community leaders as a worthwhile endeavor in which to participate, and in which to join other Alabamians in a singular effort to improve our State; and that in recognition thereof we do hereby designate the day of October 28, 1988, as:

A-TEAM DAY

and encourage all Alabamians to recognize we must all be partners in building a bright Alabama future.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 367, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Grayson, Dillard, Marks, and Parker:

H. J. R. 365. COMMENDING MRS. CORDELIA LEWIS ON HER 86TH BIRTHDAY.

Also:

By Rep. Mikell:

H. J. R. 366. COMMENDING DAVID E. RENNEKAMP OF COOSADA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 365 and 366, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Buskey (JL), Holmes, Mikell, Walker, and McKee:

H. J. R. 349. COMMENDING THE ALABAMA JOURNAL FOR DISTINGUISHED ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, H. J. R. 349, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Penry:

H. J. R. 350. COMMENDING ROY C. WHITE FOR DISTINGUISHED SERVICE TO THE FAIRHOPE CITY COUNCIL AND THE COMMUNITY.

Also:

By Rep. Penry:

H. J. R. 351. COMMENDING FAIRHOPE CITY COUNCILMAN, DAVID ED BISHOP, FOR DISTINGUISHED COMMUNITY SERVICE.

Also:

By Rep. Kvalheim:

H. J. R. 352. MOURNING THE DEATH OF JAMES L. MAY, JR., OF MOBILE, ALABAMA.

Also:

By Rep. Rains:

H. J. R. 353. CONGRATULATING MR. AND MRS. MCKINNELLY CHAMBERS ON THE OCCASION OF THEIR 63RD WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, H. J. R.'s 350, 351, and 353, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 352, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 164. MOURNING THE DEATH OF ALLEN G. THOMAS OF TUSKEGEE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the lamentable death of Allen G. Thomas of Tuskegee, Alabama, on February 22, 1988, at the age of 74 years; and

WHEREAS, Mr. Thomas, who was one of his community's most prominent and beloved citizens, was a faithful member of the First Baptist Church of Tuskegee, a past president of the Tuskegee Lions Club, past Worthy Grand Patron of the Tuskegee Eastern Star, a member of the Woodmen of the World Camp 1215 and, at the time of his death, was Worshipful Master of Tuskegee Masonic Lodge No. 57; and

WHEREAS, the death of Allen G. Thomas has indeed left a deep void in the life of the community and in the hearts of his family, neighbors and many friends, all of whom remain sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Allen G. Thomas of Tuskegee, Alabama, and extend heartfelt sympathy to his wife of 49 years, Mrs. Mildred Cooper Thomas, and to other family members, for whom a copy of this resolution of consolation and concern shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Corbett and Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 165. COMMENDING MARSHALL WILLIAMS OF CLAYTON, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Marshall Williams of Clayton, Alabama, is a distinguished public servant who has served in elective office in Barbour County for some 40 years; and

WHEREAS, Mr. Marshall was elected Sheriff of Barbour County in 1946, and at that time was the youngest sheriff in Alabama; he served in that capacity until 1952, whereupon he was elected to the Office of Probate Judge; and

WHEREAS, he was then elected to the County Board of Revenue, now the County Commission, in 1960, and, through successive re-election, continues to serve as a county commissioner and is a former chairman of the commission; and

WHEREAS, we further note that Marshall Williams, in service to Barbour County and all citizens thereof, is the only Alabamian ever to have served in these three offices in the same county; and

WHEREAS, Mr. Williams, who holds extensive farming interests in Barbour County, also is an active member and former member of the administrative board of Clayton United Methodist Church, and is active in support of numerous other civic, charitable and community affairs; and

WHEREAS, Commissioner Williams has indeed served long and well as an exemplary public official and the fact that he stands unopposed in the forthcoming election is an admirable reflection on his honor, integrity and deep devotion to duty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Barbour County and as a citizen concerned for the prosperity and well-being of his community, we hereby commend Marshall Williams of

Clayton, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 166. COMMENDING DR. RANDY QUINN ON HIS DISTINGUISHED EDUCATIONAL CAREER.

WHEREAS, Dr. Randy Quinn, a native of Gadsden where he was educated in the public schools, is a graduate of Jacksonville State University with the B.S. degree, and holds the Master's and doctoral degrees earned at the University of Alabama; and

WHEREAS, Dr. Quinn, who has served since 1969 as executive director of the Alabama Association of School Boards, which now operates from its own headquarters office building in Montgomery, is a former high school band director and held several previous administrative positions with the Anniston Board of Education; and

WHEREAS, in his current capacity for the past 19 years, Dr. Quinn has led AASB to recognition as a major force in the representation of Alabama's 129 local school boards in matters relating to public education; and

WHEREAS, Dr. Quinn in further service to education, is affiliated with a number of professional organizations and has held many elected offices and other leadership positions on the local, state, regional and national levels; and

WHEREAS, he also has extended his many involvements to encompass numerous civic and community affairs, including those of the First United Methodist Church in Montgomery which he and his family attend and where they are most particularly active in the church's education programs; and

WHEREAS, Dr. Quinn is retiring after 30 years in education in the State of Alabama to assume the position of Executive Director of the Colorado Association of School Boards, and it is with gratitude that we recognize his service to our state, and in friendship and regard that we wish him every future success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sentiment of sincere praise of his outstanding achievement and service to education in the State of Alabama, we hereby most highly commend Dr. Randy Quinn, to whom a copy of this resolution shall be presented.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Manley offered the following Senate Joint Resolution, to-wit:

S. J. R. 167. COMMENDING JONATHAN REID CORNELIUS OF THOMASVILLE, ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of distinguished achievement, the Legislature of Alabama notes the numerous accomplishments of Jonathan Reid Cornelius of Thomasville, Alabama; and

WHEREAS, the son of Mr. and Mrs. Ted R. Cornelius and a senior at Thomasville High School, Reid Cornelius is president of both the Student Government Association and the Beta Club, vice president of the Fellowship of Christian Athletes, 1987 Boys State Representative and also served during his sophomore year as H.O.B.Y. Ambassador from Thomasville High; and

WHEREAS, he further has achieved a perfect 4.0 grade point average, ranking first in his class, and is the recipient of Outstanding Proficiency Awards in American History, Chemistry and English; and

WHEREAS, in addition, however, to extraordinary academic achievement, Reid Cornelius is an outstanding young athlete and was a quarterback for THS until 1987, when he gave up football to concentrate on baseball, the sport he has played and most enjoyed since the age of eight; and

WHEREAS, a right-handed pitcher, Reid's success may be measured by such high national ranking and consideration as one among the top ten amateur baseball players countrywide, one of 50 top college prospects, and as a top pick in the forthcoming major league free agent draft; and

WHEREAS, Reid Cornelius was most recently recognized for outstanding achievement as the winner of the prestigious and third annual Bryant-Jordan Scholar-Athlete Award from among 48 high school nominees throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jonathan Reid Cornelius of Thomasville, Alabama, as an exemplary scholar and talented young athlete in whom we are justly proud and for whom a copy of this resolution shall be provided.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Manley then offered the following Senate Joint Resolution, to-wit:

S. J. R. 168. COMMENDING A. W. COMPTON, JR., FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO THE CATTLE INDUSTRY.

WHEREAS, A. W. "Buck" Compton, Jr., of Nanafalia is a prominent Marengo County cattleman of outstanding personal achievement and one who has contributed greatly to the cattle industry on local, state and national levels; and

WHEREAS, Mr. Compton, a graduate of Auburn University with a degree in Agricultural Science and a United States Air Force veteran, owns and operates one of the largest purebred Charolais farms in the Southeast, in addition to extensive timber, pulpwood and other business interests; and

WHEREAS, currently serving as president of the Alabama Cattlemen's Association, Mr. Compton has served two terms as president of the Marengo County Association, several terms as president of the Alabama Charolais Association, as a director of the American International Charolais Association

and as president of the Alabama Purebred Beef Breeds Council, among other leadership positions within the industry; and

WHEREAS, he also is serving, by appointment of the United States Secretary of Agriculture, on the Cattlemen's Beef Promotion and Research Board, a national program established to improve the beef industry's position in the market place, a distinct and very appropriate recognition of Buck Compton as a longtime proponent of consumer awareness of the importance of beef in a healthful diet; and

WHEREAS, Mr. Compton has extended his involvements to include activity in a number of civic, charitable and community organizations including the Sweet Water United Methodist Church as chairman of the finance committee, and as a director of Sweet Water State Bank; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and service to the cattle industry and the community, we hereby commend A. W. "Buck" Compton, Jr., whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Manley, deGraffenried, Figures, Sanders, Smith (J), Langford, Hale, and Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 169. COMMENDING DEAN VERNON NATHANIEL HANSFORD OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

WHEREAS, the Legislature of Alabama notes with highest commendation the appointment of Vernon Nathaniel Hansford as Dean of the University of Alabama School of Law; and

WHEREAS, Dean Hansford, a cum laude graduate of the University of Georgia with the B.S. degree, also holds the LL.B. degree from said university's School of Law, graduating 2nd in his class, and the LL.M. degree from the School of Law, University of Michigan; and

WHEREAS, as an undergraduate and graduate student, Dr. Hansford was inducted into a number of academic and leadership societies, including Phi Beta Kappa, Phi Kappa Phi, Omicron Delta Kappa and Blue Key; and he is a member of the Tuscaloosa, Alabama, Georgia and American Bar Associations; and

WHEREAS, Dr. Hansford, who possesses an extensive legal background, has served as a law clerk, United States Court of Appeals for the Fifth Circuit; with the Judge Advocate General's Corps as a Captain in the United States Army; and in the private practice of law before joining the University of Alabama School of Law in 1975 as Associate Professor; and

WHEREAS, he thereafter served successively as Professor of Law, Vice President and Associate Dean, and as Acting Dean and William Alfred Rose Professor of Law immediately prior to his appointment as Dean; and

WHEREAS, Dean Hansford, the published author of numerous legal books and articles, has further served his profession and the University as lecturer and speaker, and as a member and/or chairman of several Law School committees; and

WHEREAS, further evidencing his accomplishments and impeccable credentials are such honors and recognitions as the University of Alabama's National Alumni Association Outstanding Commitment to Teaching Award, Outstanding Faculty Member Award by the Student Bar Association, Visiting Professor of Law at the University of Georgia School of Law, membership in the Alabama and American Law Institutes and the Alabama Judicial College Faculty Association, and he has served on the ABA Accreditation Team for the University of Kansas School of Law, among other prestigious involvements; and

WHEREAS, Dr. Hansford also extends his commitment to include activities and leadership in the Forest Lake United Methodist Church of Tuscaloosa, Kiwanis Club of Greater Tuscaloosa and the Tuscaloosa Mental Health Association, among other community and civic endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dean Nathaniel Hansford of the University of Alabama School of Law for outstanding professional achievement and service, and do further direct that he receive a copy of this resolution of sincere praise and highest personal regard.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt offered the following Senate Resolution, to-wit:

S. R. 170. COMMENDING COACH GERALD D. DOUGLASS OF SYLACAUGA HIGH SCHOOL FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Which was filed.

Senators deGraffenried, Hilliard, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 171. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF THE LATE COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, the Legislature of Alabama, in support and furtherance of efforts by a committee of The Alabama Reunion, expresses a desire that the late Coach Paul W. Bryant of the University of Alabama be honored through the issuance of a commemorative postage stamp; and

WHEREAS, Coach Bryant for the last 25 years of his brilliant 38-year career was Head Football Coach at the University of Alabama, and it was there that he became the winningest major college football coach in history and won his final 323rd career victory against Illinois in the Sugar Bowl, just shortly before he retired; and

WHEREAS, to Coach Bryant's credit are six national championships, all at Alabama; 29 bowl games, including 24 straight at his alma mater;

three National Coach of the Year awards; and he was eight times named SEC Coach of the Year; and

WHEREAS, in addition to his coaching achievements, however, Paul W. Bryant is remembered and honored in gratitude for his counsel and friendship to his many players; for his contributions to their personal development; and for his encouragement and support of both academic and athletic achievement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most respectfully petition the United States Postal Service to issue a 25 cent postage stamp to commemorate the legendary Coach Paul W. Bryant of the University of Alabama and do further request a waiver of any time constraints that would prevent the expedient issuance of such a stamp.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the United States Postal Service in Washington, D.C. and that a copy also be forwarded to the coordinator of The Alabama Reunion efforts, Kathy Richardson of WABB Radio in Mobile, Alabama.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 172. COMMENDING MRS. BERNICE JOHNSON OF BIRMINGHAM FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, it is with highest commendation and esteem, that the Legislature of Alabama notes the recent honor accorded Mrs. Bernice Johnson of Birmingham, Alabama, at the Sixth Gallery of Distinguished Citizens; and

WHEREAS, Mrs. Johnson, as a Distinguished Citizen, was recognized for her many contributions to education and the community during an exemplary teaching career; and

WHEREAS, Mrs. Johnson retired in 1976, after 29 years with the Birmingham Public School System and as a social studies teacher in the sixth, seventh and eighth grades at McCaw School throughout her tenure; and

WHEREAS, the recipient of a number of previous teaching awards, Mrs. Bernice Johnson is to be most highly praised on this latest of many honors bestowed in appreciation and acclaim; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to education and the community, we hereby commend Mrs. Bernice Johnson of Birmingham, Alabama, a Distinguished Citizen, whom we greatly admire and to whom a copy of this resolution shall be presented.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 173. EXPRESSING SUPPORT OF "ARSON AWARENESS WEEK" IN ALABAMA AND THE ALABAMA ASSOCIATION OF ARSON INVESTIGATORS.

Which was filed.

Senator Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 174. COMMENDING ALABAMA STATE UNIVERSITY AND ERSKINE RAMSEY HAWKINS, VERNEL ANTHONY FOURNIER, BENNY POWELL, HAYWOOD HENRY, JOE NEWMAN, HENRY PUGH AND THOMAS W. STEWART.

WHEREAS, the sixteenth annual Andre Ford Memorial Jazz Extravaganza and Competition was held on April 9, 1988; and

WHEREAS, this year's distinguished jazz musicians include the following ASU alumni:

ERSKINE RAMSEY HAWKINS
(TRUMPET)

The internationally famous band leader and trumpeter once dubbed "The Twentieth Century Gabriel" in the late 1930's, Erskine Ramsey Hawkins is a Birmingham native who came to Alabama State University in 1930 and stayed four years;

VERNEL ANTHONY FOURNIER
(DRUMS)

Characterized by Jazz Spotlight News in 1981 as "A Sensitive Drummer ... and one of the tastiest drummers on the planet," this former Alabama State University student was a member of the "Bama State Collegians" during the 1945-46 school year;

BENNY POWELL
(TROMBONE)

Trombonist and composer Benny Powell is a world-class musician, contributing internationally to both the traditional jazz scene and the contemporary music community. A native of New Orleans, a city whose special sonorities and complex polyrhythm have influenced generations of music, Powell attended Alabama State University and was a member of the "Bama State Collegians" during the 1945-46 school year;

HAYWOOD HENRY
(SAXAPHONE, CLARINET, FLUTE)

A rare musician, Haywood Henry excels in virtually every area of jazz and popular music. He is a multi-faceted reedman who plays clarinet, tenor sax, soprano sax, and flute.

Haywood got his start in professional music at the Alabama State University where he was the co-founder of a band. The college friends travelled to New York in 1934, and for the next twenty years Haywood was a featured member of the Erskine Hawkins Band;

JOE NEWMAN
(TRUMPET)

Trumpeter, Joe Newman, the son of a jazz pianist, was born in New Orleans. His first formal lesson was received at the age of eight under David

Jones, who also taught Louis Armstrong. From elementary and high school bands, young Joe joined the "Bama State Collegians" at Alabama State University where he had received a music scholarship. He studied there until Lionel Hampton heard and hired him in 1941;

HENRY PUGH
(PIANIST)

A Montgomery, Alabama, native and graduate of Alabama State University, Henry Pugh's "World of Music" comprised of teaching students at Central High School to appreciate music through an 80-piece marching band and the choir and to work creatively with their hands as industrial artists in Lowndes County, which is in the heart of Alabama's Black Belt; and

THOMAS W. STEWART
(TRUMPET)

Atlanta, Georgia, resident, Thomas W. Stewart, is a graduate of Alabama State University with a Bachelor of Science degree in Music. Stewart taught in the Georgia school system and has had extensive experience in arranging music for all instruments and ensembles. He organized and conducted "The Purple Image Jazz Band" at Morris Brown College, Atlanta, Georgia. He has had over fifty musical compositions published; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Alabama State University for its annual Jazz Extravaganza and the great talents it brings to this state.

RESOLVED FURTHER, That a copy of this resolution be given to the University and to each distinguished jazz musician herein named.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford then offered the following Senate Joint Resolution, to-wit:

S. J. R. 175. CONGRATULATING AUNDRAY BRUCE OF MONTGOMERY, ALABAMA.

WHEREAS, it is with tremendous pride and pleasure that the Legislature of Alabama congratulates Aundray Bruce of Montgomery, Alabama, as the number one draft choice in the NFL; and

WHEREAS, Aundray Bruce, a former varsity standout at Montgomery's Carver High School and All-Southeastern Conference linebacker at Auburn University, will join the Atlanta Falcons as the team's first choice over such superstars as Heisman Trophy winner and wide-receiver Tim Brown of Notre Dame, and defensive end Neil Smith of the University of Nebraska, among others of the top players in the nation; and

WHEREAS, Aundray Bruce, however, was a mainstay and consistent achiever for the Auburn Tigers; as a senior, he had 81 tackles, eight sacks, three interceptions and a fumble recovery to play a big role in Auburn's capture of the Southeastern Conference Title and their slot in the Sugar Bowl Classic; and

WHEREAS, an exceptionally talented athlete and a young man of outstanding character, Aundray Bruce is indeed to be commended for this

significant accomplishment, and to be congratulated on his well-deserved and well-earned multi-million dollar contract with the Atlanta Falcons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the number one choice in the NFL draft, we hereby commend Aundray Bruce of Montgomery, a young Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided that he may know of our sincere regard and warm best wishes for every future success and happiness in life.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Denton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 176. MOURNING THE DEATH OF PHILIP JEFFERSON KYSER OF DEMOPOLIS, ALABAMA.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Philip Jefferson Kyser of Demopolis, Alabama, on March 26, 1988, at the age of 82 years; and

WHEREAS, a native of Conecuh County, Mr. Kyser resided and was employed in Demopolis for some 25 years before moving to Monroeville where he later formed, owned and operated the United Cement Company; and

WHEREAS, Mr. Kyser then moved to Hollywood, Florida, where he was a co-founder of Agua-Tech Chemical Company and was engaged in numerous other business and investment interests; and

WHEREAS, upon returning to Demopolis and in semi-retirement, Mr. Kyser formed yet another successful enterprise, a warehouse and building business established as Rentals, Incorporated; and

WHEREAS, Mr. Kyser, however, in addition to his many business responsibilities, was active in community leadership as a member and deacon of the First Baptist Church, as a Rotarian, and in support of many other civic, charitable and community affairs; and

WHEREAS, in the death of Philip Jefferson Kyser, the community, his beloved family and many, many friends have indeed suffered a great and grievous loss, and it is in deep concern that we extend our most heartfelt sympathy and offer the comfort of our prayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Philip Jefferson Kyser of Demopolis, Alabama, and do further provide that a copy of this resolution be forwarded to his beloved wife, Mrs. Helen T. Kyser; to his daughters, Carolyn Dunlavy, Betty Mayton, Phyllis Kratochvill and Marilyn Braswell; sons, Philip J., Jr., Bob L. and Edmund C. Kyser; and to other family members that they may know of our shared sorrow in their inconsolable loss.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Mitchem and Hale offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. DECLARING THE WEEK OF JUNE 5-11, 1988 ALABAMA POULTRY WEEK.

WHEREAS, The poultry industry is Alabama's largest farm industry, with gross farm receipts in excess of \$937 million annually, or almost one half of the total agricultural income in Alabama; and

WHEREAS, This industry, through its wholesome products and thousands of jobs it creates for the citizens of this state, adds much to the health, welfare and economic stability of Alabama; and

WHEREAS, Alabama ranks third in the nation in broiler production and ninth in the production of eggs; and

WHEREAS, Horace H. Horn, Jr. of Montgomery, Alabama has served with dedication and distinction as chairman of the board of the Alabama Poultry & Egg Association, the cornerstone of this state's poultry industry; and

WHEREAS, It is proper to publicize to the general public the importance of this major Alabama industry; and

WHEREAS, More than 3,000 members and supporters of the Alabama Poultry & Egg Association will meet in Birmingham, June 10-11, 1988 to celebrate the 36th annual Alabama Poultry & Egg Convention, Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 5-11, 1988 is hereby declared "ALABAMA POULTRY WEEK."

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Foshee and Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 178. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

WHEREAS, H. E. Donaldson was appointed as a member of the original Advisory Committee of Douglas MacArthur State Technical College; and

WHEREAS, he continued to serve as an active member of this committee for more than twenty years; and

WHEREAS, he was instrumental in recognizing the need for a program in Diesel and Heavy Equipment Repair to be offered at this institution; and

WHEREAS, he served as a member of the craft advisory committee for that program for more than twenty years; and

WHEREAS, he was involved in the selection of Mr. B. H. Foreman as the first instructor for the program; and

WHEREAS, he was a participant in naming the facility in honor of the late B. H. Foreman; and

WHEREAS, H. E. Donaldson and B. H. Foreman worked closely together in promoting the Diesel and Heavy Equipment Program for many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby rename the Diesel and Heavy Equipment Building at Douglas MacArthur State Technical College in Opp, Alabama, in honor of H. E. Donaldson and B. H. Foreman, and it hereafter shall be known as the

DONALDSON-FOREMAN
DIESEL AND HEAVY EQUIPMENT BUILDING

BE IT FURTHER RESOLVED, That this resolution supersedes all other resolutions naming the B. H. Foreman, Diesel and Heavy Equipment Building.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 179. MOURNING THE DEATH OF WILLIAM FRANKLIN BASS OF HUNTSVILLE, ALABAMA.

Which was filed.

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 180. CONGRATULATING ELIZABETH JENICE RILEY OF CLAY COUNTY, MISS JUNIOR ALABAMA FOR 1987-1988.

Which was filed.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 181. COMMENDING CHAMP CHERIAN THOMASKUTTY OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Senate notes the numerous and notable accomplishments of Champ Cherian Thomaskutty of Somerville, Alabama; and

WHEREAS, Champ Thomaskutty, a senior at Albert P. Brewer High School and a National Merit Scholarship Semi-Finalist, received national recognition as a delegate to the 1988 United States Senate Youth Program and was named a winner in the 1988 Century III Leaders Program; and

WHEREAS, he also is captain of the A. P. Brewer Scholar's Bowl Team, Editor-in-Chief of the school newspaper, president of the Alabama Junior Academy of Science, Student Council president, president of his National Honor Society Chapter, secretary-treasurer of the Morgan County Youth Association, member of the National Youth Consulting Board, and has held numerous other positions of leadership throughout his high school years; and

WHEREAS, Champ Thomaskutty has been recognized further through inclusion in Who's Who among American High School Students, the Society of Distinguished American High School Students and Outstanding American Students, and he is the recipient of numerous other distinctions on local, state and national levels; and

WHEREAS, in an extension of his many activities and involvements, Champ Thomaskutty is a hospital volunteer, a participant with the Special Olympics program, and has been active with the Youth Choir, Youth Baseball, Science Fair, Model Senate, the Math, Spanish and Science Club, and has served as a University of Alabama in Huntsville Research Assistant; and

WHEREAS, he also is the recipient of a number of monetary scholarship awards, based on achievement and potential, and has received several expense-paid trips to such locales as Washington, D. C., New Orleans, Louisiana, San Juan, Puerto Rico, and Williamsburg, Virginia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding academic achievement and leadership in school and community, we hereby commend Champ Cherian Thomaskutty of Somerville, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 56. CREATING THE ALABAMA ENVIRONMENTAL INSTITUTE COUNCIL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Senate nonconcurred in the following House amendment to the Resolution, S. J. R. 56, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 56

S. J. R. 56. CREATING THE ALABAMA ENVIRONMENTAL INSTITUTE COUNCIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created the Alabama Environmental Institute Council to be composed of seventeen members to be appointed as follows: the Governor shall appoint one member from the Alabama Development Office, who shall chair the council, three members from the Business Council of Alabama, one member of the EPSCoR Universities, a representative of the Alabama University Presidents' Council, one member from the Alabama Association of Independent Colleges and Universities, the Dean of The School of Public Health at the University of Alabama in Birmingham, one member from the Alabama Department of Environmental Management, one member from Southern Research Institute and one member from the American Consulting Engineers Council of Alabama; the Speaker shall appoint three members from the House of Representatives; and the Lieutenant Governor shall appoint three members from

the Senate. Members shall serve without compensation. Seven members shall constitute a quorum for council meetings. The Council is charged with the responsibility to determine the need for an environmental research facility for the State of Alabama which would be capable of pilot plant research and development of product, process technology and equipment to be used in maintaining and improving environmental quality in the state, and for marketing nationally and internationally; to determine the level of environmental research presently being conducted in the state; to determine the amount of funding currently being utilized for this research; to analyze the physical research facilities of the companies and institutions presently involved in this field; to determine the management/organization structure to ensure effective coordination of research and development programs of industry and universities; to determine the type and dollar amount of environmental research being contracted from sources outside the State by Alabama industry, agencies and institutions; and to seek funds and grants with which to accomplish this study. The Council is authorized to employ a consultant.

The Council shall submit its final report and recommendations to the Governor and to the Legislature within 180 days following final enactment of this resolution.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Cabaniss, Hand, and Corbett.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 146. To amend Section 36-21-7, Code of Alabama, 1975, by adding thereto fire protection personnel and firefighters; to extend the time in which to recover training expenses to twenty-four months; and to define terms.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 146, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 146

Amend Senate Bill 146, in the Title on page 1, line 18, after the words "expenses to" by deleting the words ~~twenty-four~~ and substituting in lieu thereof the word twelve

Further amend Senate Bill 146, page 1, Section 1, line 28 by deleting the number 24 and substituting in lieu thereof the number 12

Amend S. B. 146, page 1, Section 1, line 26, after the word "county" by adding the following: or fire district

Further amend S. B. 146, page 1, Section 1, line 27, after the word "county" by adding the following: or fire district

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Further amend S. B. 146, page 1, Section 1, line 32, after the word "county" by adding the following: or fire district

Further amend S. B. 146, page 1, Section 1, line 33, after the word "county" by adding the following: or fire district

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Bedsole	deGraffenried	Hale	Menton
Bishop	Denton	Hand	Preuitt
Cabaniss	Dial	Horn	Smith (J)
Campbell	Dixon	Langford	

—18

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Resolution:

H. J. R. 228. TO HELP KEEP ALABAMA BEAUTIFUL BY REMOVING TRASH FROM ALABAMA HIGHWAYS AND STREETS USING, WHERE POSSIBLE PRISON LABOR AND BY PLANTING CRIMSON CLOVER.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 228, without the Governor's signature and with a suggested Executive Amendment.

Done this 7th day of April, 1988.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 228, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 228:

On page 1, line 16, after the word "clover", delete the words "~~not only~~".

On page 1, lines 17 and 18, after the word "state", delete the following:

~~but also lessened the need for mowing and herbicide spraying~~

On page 1, lines 19 through 25, delete the following:

~~WHEREAS, the State Highway Department has sprayed herbicide along our roadsides which have killed the crimson clover and many of our native flowers and trees; and~~

~~WHEREAS, such spraying has proven not only to be an eyesore which has blackened and darkened Alabama's roadsides and highways but also killed catfish, poultry and livestock, costing the citizens of the state thousands of dollars~~

On page 2, lines 1 through 6, delete the following:

~~through awards made by the State Board of Adjustment to those citizens injured or damaged by the spraying of poisons by the Highway Department; and~~

~~WHEREAS, the Attorney General has informed the Highway Department that such continued use could subject the state to substantial liability; and~~

On page 2, lines 22 and 23, delete the following:

~~stop using poisons on our highways and to start using prisoners to~~

On page 2, line 24, after the word "roads", delete the words "and in state parks".

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 7th day of April, 1988.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 228 by a vote of a majority of those voting, said vote being:

Yeas 85, Nays 0.

And said Resolution, H. J. R. 228 together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 228, the title of which and said Executive amendment are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Knight:

H. 394. To amend §35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

Also:

By Reps. Box, Harper, and Kvalheim:

H. 962. To propose an Amendment to the Constitution of Alabama of 1901, providing further for the distribution of proceeds from certain ad valorem taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 394—to the Committee on Finance and Taxation

H. B. 962—to the Committee on Local Legislation No. 3

(The above Bill, H. B. 962, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson:

H. 381. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, which provide for game and fish hunting and fishing licenses, so as to increase the license fees, delete an exemption relating to fishing by certain county residents, increase the penalties for violations, and authorize the issuance of licenses on a combination basis.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 381—to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 275. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 275—to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 181. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 181—to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 127, without the Governor's signature and with a suggested Executive Amendment.

Done this 18th day of April, 1988.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 127, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 127:

On page 2, line 10, delete the words ~~Section 40-5-4~~ and in lieu thereof insert the following:

Section 40-5-3

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 18th day of April, 1988.

Respectfully,
GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 127, by a vote of a majority of those voting, said vote being:

Yeas 75, Nays 0.

And said Bill, H. B. 127, together with the Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Ellis, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 127,

the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford
Barron	Corbett	Hale	Manley
Bedford	Denton	Hand	Menton
Bedsale	Dial	Hilliard	Preuitt
Bennett	Drinkard	Holmes	Rice
Bishop	Ellis	Horn	Sanders
Cabaniss	Foshee		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 588. To amend Section 2 of Act No. 139, H. 90, First Special Session 1956, as amended, relating to the office of Circuit Solicitor of the 31st Judicial Circuit of Alabama, and to provide for its retroactive effect.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 182. MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, April 19, 1988, they adjourn to meet again on Thursday, April 21, 1988, and when they adjourn on Thursday, April 21, 1988, they adjourn to meet again on Tuesday, April 26, 1988, and when they adjourn on Tuesday, April 26, 1988, they adjourn to meet again on Thursday, April 28, 1988, and when they adjourn on Thursday, April 28, 1988, they adjourn to meet again on Thursday, May 5, 1988, and when they adjourn Thursday, May 5, 1988, they adjourn sine die.

On motion of Senator Corbett, further consideration of the Resolution, S. J. R. 182, was postponed temporarily.

Senator Rice offered the following Senate Joint Resolution, to-wit:

S. J. R. 183. URGING THE ATTORNEY GENERAL, THE DISTRICT ATTORNEYS, AND THE ALABAMA COUNCIL OF CHILD DAY CARE REGULATORS TO CONTINUE GIVING PRIORITY TO THE ENFORCEMENT OF THE CHILD CARE ACT OF 1971 (SECTIONS 38-7-1 THROUGH 38-7-17, CODE OF ALABAMA 1975).

WHEREAS, the enforcement of the Child Care Act of 1971 is the only mechanism to protect the health and safety of children in child day care and to provide parents consumer protection; and

WHEREAS, the district attorneys of this state and the attorney general of this state are specifically charged by the 1971 Child Care Act (Sections 38-7-1 through 38-7-17, Code of Alabama 1975), hereinafter referred to as simply the "1971 Act," with the enforcement of said act; and

WHEREAS, we feel the Alabama Council of Child Day Care Regulators also should give priority to enforcing the 1971 Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the state attorney general, the various district attorneys, and the council of child day care regulators to continue to give priority status to the enforcement of the 1971 Act. We further support and encourage these agencies in their efforts.

RESOLVED FURTHER, That a copy of this resolution be sent to the attorney general, each district attorney of this state, and to the Alabama Council of Child Day Care Regulators.

Which was read and referred to the Standing Committee on Rules.

Senator Rice then offered the following Senate Joint Resolution, to-wit:

S. J. R. 184. REQUESTING THAT ADO/ADECA STAFF DESIGNEES WORK WITH THE CHILD DAY CARE COORDINATOR (DHR), THE STATE FINANCE DEPARTMENT, THE STATE TREASURER'S OFFICE, THE OFFICE OF MINORITY BUSINESS AND THE SOUTHERN DEVELOPMENT COUNCIL TO IMPLEMENT LOW-INTEREST LOAN PROGRAMS FOR THE START-UP, EXPANSION AND IMPROVEMENT OF CHILD DAY CARE FACILITIES.

WHEREAS, availability of quality child day care is a problem for many working families; and

WHEREAS, no significant growth in number of licensed day care centers in Alabama has occurred since 1977, even though statistics show that nationally such centers have increased by 72%; and

WHEREAS, the expansion of child day care facilities in this state would be greatly facilitated by the availability of low-interest loan programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that ADO/ADECA staff designees work with the Child Day Care Coordinator (DHR), the State Finance Department, the State Treasurer's Office, the Office of Minority Business and the Southern Development Council to implement low-interest loan programs for start-up, expansion and improvement of day care facilities.

RESOLVED FURTHER, That a written report concerning implementation of such programs be submitted to the Task Force on Child Day Care no later than January 1, 1989.

FURTHER RESOLVED, That a copy of this resolution be sent to each person and agency herein requested to participate in implementation of this resolution.

Which was read and referred to the Standing Committee on Rules.

Senator Rice then offered the following Senate Joint Resolution, to-wit:

S. J. R. 185. URGING THE DEPARTMENT OF HUMAN RESOURCES TO INITIATE CERTAIN POLICIES AND ACTIONS REGARDING THE CHILD DAY CARE INDUSTRY.

WHEREAS, the Department of Human Resources is the primary licensing and service state agency for the child day care industry in Alabama; and

WHEREAS, the Joint Governor's-Legislative Task Force on Child Day Care has made specific recommendations for 1988 based on extensive study and meetings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Department to initiate the following actions and policies and plans:

(a) Establish a position of Child Day Care Coordinator within the Department in order to facilitate the implementation of the 1987 and 1988 Task Force recommendations; to develop a comprehensive plan for Alabama's child day care and facilitate the implementation thereof;

(b) Employ ten (10) additional child day care licensing personnel in order to better enforce the Child Care Act of 1971;

(c) Strengthen the state subsidized child day care programs by:

(1) Implementing a child day care component in Alabama's welfare reform program;

(2) Increasing by 2000 the number of children served through the state subsidized program; and

(3) Increasing monthly payments to day care homes and center providers participating in the state subsidized program;

(d) Develop and implement policies to enhance quality in child day care through the following means:

(1) Require personnel employed after June 1, 1988, who directly license child day care centers to have at least a bachelor's degree in child development or early childhood education;

(2) Require all personnel who license child day care to receive annually a minimum of twenty (20) clock hours of training that includes the philosophical basis of licensing, the licensing process, uniform interpretation and enforcement of licensing standards, communication skills, as well as instruction in applied child development and early childhood education;

(3) Develop a "system" to be used by licensing personnel as a basis for consistent program evaluation; and

(4) Develop disciplinary guidelines for programs which are in noncompliance with the state Minimum Standards;

(e) Review and revise policies related to center and home provider participation in the state subsidized child day care program, with the objective and intent of broadening options for child placements;

(f) Establish a child day care data collection procedure; and

(g) Continue to establish and utilize the County Coordinating Councils as a child day care information gathering and disseminating network.

RESOLVED FURTHER, That we encourage and support the efforts of the Department in the adoption of the initiatives herein stated, and that a copy of this resolution be sent to the commissioner of the Department of Human Resources.

Which was read and referred to the Standing Committee on Rules.

Senator Rice then offered the following Senate Joint Resolution, to-wit:

S. J. R. 186. URGING STATE AGENCIES PROVIDING CHILD DAY CARE SERVICES TO ESTABLISH THAT THEIR CHILD DAY CARE PROGRAMS MEET OR EXCEED THE STATE'S MINIMUM STANDARDS.

WHEREAS, certain initial efforts should be made by state agencies to address the changing and expanding nature of child day care delivery systems in this state; and

WHEREAS, all children served by the child day care providers in this state deserve equal protection and treatment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all state agencies providing child day care services to establish a plan which assures that their respective child day care programs meet or exceed Alabama Minimum Standards, which plan should be submitted to the Governor's Child Day Care Resource Coordinator no later than January 1, 1989.

FURTHER RESOLVED, That we hereby request any state agency providing child day care services in programs under their jurisdiction to file an annual report with the Department of Human Resources to certify that these child day care programs meet or exceed Alabama Minimum Standards, and to provide such data as the Department requests in order to compile comprehensive statistics on child day care in Alabama.

RESOLVED FURTHER, That copies of this resolution be sent to the Commissioner of the Department of Human Resources, the Governor's Child Day Care Resource Coordinator, Superintendent of the State Department of Education and the Commissioner of the State Department of Mental Health and Mental Retardation so that they may take the appropriate executive actions to accomplish the requirements of this resolution.

Which was read and referred to the Standing Committee on Rules.

Senator Rice then offered the following Senate Joint Resolution, to-wit:

S. J. R. 187. REQUESTING THE ALABAMA COLLEGE SYSTEM, THE ALABAMA COMMISSION ON HIGHER EDUCATION AND THE

DEPARTMENT OF EDUCATION (SECONDARY EDUCATION) TO DEVELOP AND COORDINATE AN ACCESSIBLE AND AFFORDABLE TRAINING PROGRAM FOR THE CHILD DAY CARE COMMUNITY, BUILDING UPON THE PLAN PROPOSED BY THE ALABAMA COLLEGE SYSTEM.

WHEREAS, a trained staff is one of the most important indicators of quality in child day care; and

WHEREAS, there exists a need for an accessible and affordable training program for the staff of child day care centers/homes in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request The Alabama College System, the Alabama Commission on Higher Education and the Department of Education (Secondary Education) to develop and coordinate an accessible and affordable training program for the child day care community, building upon the plan proposed by the Alabama College System.

FURTHER RESOLVED, That this training program include a provider-input component and a funding request that reflects the coordination and utilization of all available resources and funding options.

RESOLVED FURTHER, That copies of this resolution be sent to the Chancellor of The Alabama College System, the Director of the Alabama Commission on Higher Education, the Superintendent of the State Department of Education and the Head of Secondary Education, State Department of Education.

Which was read and referred to the Standing Committee on Rules.

Senators Dixon and Ellis offered the following Senate Resolution, to-wit:

S. R. 188. COMMENDING MR. S. B. BOURGUIN OF DURBAN, SOUTH AFRICA.

Which was filed.

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 189. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

WHEREAS, H. E. Donaldson was appointed as a member of the original Advisory Committee of Douglas MacArthur State Technical College; and

WHEREAS, he continued to serve as an active member of this committee for more than twenty years; and

WHEREAS, he was instrumental in recognizing the need for a program in Diesel and Heavy Equipment Repair to be offered at this institution; and

WHEREAS, he served as a member of the craft advisory committee for that program for more than twenty years; and

WHEREAS, he was involved in the selection of Mr. B. H. Foreman as the first instructor for the program; and

WHEREAS, he was a participant in naming the facility in honor of the late B. H. Foreman; and

WHEREAS, H. E. Donaldson and B. H. Foreman worked closely together in promoting the Diesel and Heavy Equipment Program for many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby rename the Diesel and Heavy Equipment Building at Douglas MacArthur State Technical College in Opp, Alabama, in honor of H. E. Donaldson and B. H. Foreman, and it hereafter shall be known as the

DONALDSON-FOREMAN
DIESEL AND HEAVY EQUIPMENT BUILDING

BE IT FURTHER RESOLVED, That this resolution supersedes all other resolutions naming the B. H. Foreman, Diesel and Heavy Equipment Building.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Hand and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 190. REQUESTING THE ALABAMA STATE HIGHWAY DEPARTMENT TO PROVIDE PLANS FOR TIMBER BRIDGES AND RECOMMENDING THAT SUCH BRIDGES, MEETING CERTAIN STANDARDS, BE USED FOR REPLACEMENT BRIDGES ON ALL COUNTY ROADS.

WHEREAS, a large number of Alabama's highway bridges have been declared functionally obsolete; and

WHEREAS, the county governments of Alabama have the primary responsibility for replacing these bridges; and

WHEREAS, the use of timber bridges is an accepted technology that can result in less expensive and longer lasting bridges; and

WHEREAS, the less expensive technology would allow limited county budgets to be stretched to replace more bridges quicker; and

WHEREAS, these road improvements will enhance the economic development opportunities of the county and the state; and

WHEREAS, these bridges could be built using pressure treated timbers, a renewable resource based in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That:

1) The Alabama Highway Department is requested to make available to all Alabama county road departments a complete set of plans for timber bridges that meet the standard highway specifications for highway bridges with load rating HS-20 as set by the American Highway Association of State Highway and Transportation Officials;

2) It is strongly recommended that all county road departments utilize timber bridges as replacements for obsolete bridges in their jurisdiction; and

3) The Alabama Highway Department, with the assistance of the Alabama Forestry Commission and other appropriate state agencies, conduct a series of seminars on timber bridge construction, including demonstration projects.

On motion of Senator Hand, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 191. NAMING THE "WILLIAM H. OSBORN ENGLISH BUILDING" AT SNEAD STATE JUNIOR COLLEGE.

WHEREAS, Dr. William H. Osborn, president of Snead State Junior College in Boaz, Alabama, for the past 10 years, holds a distinguished record of service both to the education community in Alabama and to his profession on local, state and regional levels; and

WHEREAS, Dr. Bill Osborn, a graduate of Mississippi State University with the B.S. degree, also earned the Master's degree from the University of Mississippi and his doctorate from Auburn University; he is a former high school teacher and administrator, and held a number of teaching and administrative positions with other Alabama junior and community colleges, as well as the Alabama State Department of Education, prior to his association with Snead State Junior College in 1978; and

WHEREAS, under Dr. Osborn's dedicated and capable leadership, Snead State Junior College has experienced considerable growth in all areas, including scholarship endowments, the implementation of new programs, the acquisition of additional acreage, and the construction of several new buildings and facilities including the recently completed English Building; and

WHEREAS, in recognition of untiring efforts on behalf of Snead State Junior College, the community and his profession, it is entirely fitting and desirable that Dr. Osborn be honored in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the new building, now called the English Building, on the campus of Snead State Junior College in Boaz, Alabama, the "William H. Osborn English Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said building as the "William H. Osborn English Building," and we do further provide that a copy of this resolution of honorary designation be presented to Dr. Osborn.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 732, adopted.

REGULAR SESSION
26th Day

1557

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Langford
Amari	Corbett	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Preuitt
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 732. Relating to law enforcement in Butler County; to repeal Act No. 566, H. 1299 of the 1977 Regular Session of the Legislature (1977 Acts, p. 746) entitled "An Act to expressly repeal Act No. 818, 1975 Regular Session (Acts of 1975, p. 1644) and Act No. 327, 1976 Regular Session (Acts of 1976, p. 360 and 361). To further provide that all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees, providing for the deposit of the funds from the pistol permits and for the use of such funds," so as to increase the annual pistol permit fee to \$10.00; and to provide for the distribution of the revenue derived therefrom into the sheriff's fund and into the county general fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Langford
Amari	Corbett	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Preuitt
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 659, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford
Amari	Cabaniss	Goodwin	Manley
Bailey	Campbell	Hand	Menton
Barron	Corbett	Hilliard	Preuitt
Bedford	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bennett	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 659. To amend Section 2 of Act No. 722, H. 1708, 1973 Regular Session (Acts 1973, p. 1079), pertaining to levying and collecting assessments on forestlands in Bibb County.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, H. B. 659, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 164, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Preuitt	
Bishop	Ellis	Holmes	Rice	
Campbell	Figures	Horn	Sanders	
Corbett	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 164. Relating to any municipality located in Tuscaloosa County; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain full-time paid fire fighters.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Preuitt	
Bishop	Ellis	Holmes	Rice	
Campbell	Figures	Horn	Sanders	
Corbett	Foshee			—25

Nays: —0

FURTHER CONSIDERATION OF S. J. R. 182

The Senate proceeded to further consideration of the Resolution:

S. J. R. 182. MEETING DAYS.

On motion of Senator Corbett, the Rules were suspended and the Resolution, S. J. R. 182, was adopted by the Senate.

RESOLUTION

Senators Amari, Parsons, Menton, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Mitchem, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 192. COMMENDING RAYMOND J. BOLAND, BISHOP OF THE DIOCESE OF BIRMINGHAM, ALABAMA, ON HIS EPISCOPAL ORDINATION AND INSTALLATION.

WHEREAS, the Most Reverend Raymond J. Boland was named by His Holiness, John Paul II, to be successor to the Most Reverend Joseph Vath, first Bishop of the Diocese of Birmingham, Alabama, who served from 1969 until his death in 1987; and

WHEREAS, Reverend Monsignor Raymond J. Boland came to Birmingham several months in advance of his ordination and installation and has won the admiration of many of his flock and peoples of other faiths with his keen insight and Gaelic sense of humor; and

WHEREAS, the native of Cork City, Ireland, received his Degree of Divinity from All Hallows Seminary, Dublin, Ireland, in 1957, and he attended Christian Brothers College in County Cork and the Abbey School in Tipperary and University College in Dublin, Ireland, and he was ordained in 1957, for missionary work in the Archdiocese of Washington, D. C.; has served for 31 years in various parishes as assistant and pastor throughout Maryland and has been in pastoral work since 1970; he was appointed Chancellor and Vicar General of the Washington, D. C. Archdiocese and, in 1979, was the coordinator for the first papal visit to the United States of Pope John Paul II; and

WHEREAS, from 1975 through 1981, Reverend Monsignor Raymond J. Boland served as Secretary on Christian Education for the Archdiocese of Washington, D. C., and demonstrated his capacity for resolving complex issues in a capable, understanding and Christian manner; and

WHEREAS, the Most Reverend Raymond J. Boland was ordained and installed as the second Bishop of Birmingham on March 25, 1988, with Archbishop Oscar H. Lipscomb as the principal Consecrator, and with national and international prelates, diocesan and religious priests and laity as witnesses in the Cathedral of St. Paul in Birmingham, Alabama, and with his brothers and his mother, Mrs. Gertrude O'Brien Boland, Cork City, Ireland, in attendance; and

WHEREAS, it is noted that Bishop Boland is the first Irish born bishop appointed in almost thirty years and is the only active Catholic bishop in the United States who is a native of Ireland, and Alabama has benefitted greatly over the years from the dedicated ministry of many priests who have come from Ireland to serve in the Alabama missions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Bishop Raymond J. Boland on his episcopal ordination and installation as Second Bishop of the Birmingham Diocese and look forward to many years of his ministry in our state.

RESOLVED FURTHER, That a copy of this resolution be sent to Bishop Boland so that he may know of our best wishes and warm congratulations.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 399, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley	
Barron	Dixon	Hand	Menton	
Bedford	Drinkard	Hilliard	Parsons	
Bedsole	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Rice	
Campbell	Foshee	Langford	Sanders	
Corbett	Goodwin			—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 399. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989), and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts), in said County at a special election called and held in accordance with the laws governing special elections.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley	
Barron	Dixon	Hand	Menton	
Bedford	Drinkard	Hilliard	Parsons	
Bedsole	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Rice	
Campbell	Foshee	Langford	Sanders	
Corbett	Goodwin			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 682, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Barron	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Parsons
Bedsole	Ellis	Holmes	Preuitt
Bishop	Figures	Horn	Rice
Campbell	Foshee	Langford	Sanders
Corbett	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 682. Relating to Walker County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Sipsey in Walker County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Barron	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Parsons
Bedsole	Ellis	Holmes	Preuitt
Bishop	Figures	Horn	Rice
Campbell	Foshee	Langford	Sanders
Corbett	Goodwin		

—25

Nays:

—0

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 193. COMMENDING IVAN HILL, CHAIRMAN OF THE BOARD AT THE CITIZENS BANK OF WINFIELD IN WINFIELD, ALABAMA.

Which was filed.

BILLS ON THIRD READING RESUMED

THE BILL:

S. 93. To provide for a cost of living increase to retirees receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama, to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

was taken up.

On motion of Senator Corbett, further consideration of the Bill was postponed subject to the call of the Chair.

THE BILL:

S. 312. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

was taken up.

On motion of Senator Corbett, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 104, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Langford	
Amari	Campbell	Hale	Manley	
Barron	deGraffenried	Hand	Menton	
Bedford	Drinkard	Holmes	Preuitt	
Bennett	Ellis	Horn	Rice	
Bishop	Foshee			—21

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0

Yeas:

Senators:	Cabaniss	Goodwin	Menton	
Amari	Campbell	Hale	Mitchem	
Bailey	Corbett	Hand	Parsons	
Barron	deGraffenried	Holmes	Preuitt	
Bedford	Drinkard	Horn	Rice	
Bennett	Ellis	Langford	Sanders	
Bishop	Foshee	Manley		—26

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 317, adopted.

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Yeas 21; Nays 0.

Yeas:

Senators:	Bennett	Drinkard	Hand	
Amari	Cabaniss	Ellis	Horn	
Bailey	Campbell	Foshee	Langford	
Barron	Corbett	Goodwin	Mitchem	
Bedford	deGraffenried	Hale	Preuitt	
Bedsole	Denton			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 317. To designate the official state championship horse show of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bennett	Denton	Hand	
Amari	Bishop	Drinkard	Horn	
Bailey	Cabaniss	Ellis	Langford	
Barron	Campbell	Foshee	Menton	
Bedford	Corbett	Goodwin	Preuitt	
Bedsole	deGraffenried	Hale	Rice	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 4, lost, for failure to receive the required three-fifths of those voting.

Yeas 18; Nays 13.

Yeas:

Senators:	Bishop	Foshee	Menton	
Amari	Campbell	Goodwin	Mitchem	
Bailey	Corbett	Holmes	Parsons	
Bedford	Denton	Horn	Sanders	
Bennett	Dixon	Langford		—18

Nays:

Senators:	deGraffenried	Hand	Rice	
Barron	Dial	Manley	Smith (B)	
Bedsole	Ellis	Preuitt	Smith (J)	
Cabaniss	Hale			—13

FURTHER CONSIDERATION OF H. B. 659

The Senate proceeded to further consideration of the Bill, H. B. 659.

And said Bill, H. B. 659, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford
Amari	Cabaniss	Goodwin	Manley
Bailey	Campbell	Hand	Menton
Barron	Corbett	Hilliard	Preuitt
Bedford	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bennett	Dixon		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 93, adopted.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton
Amari	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hale	Preuitt
Bedford	Dial	Hand	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Langford	Smith (B)
Bishop	Ellis	Manley	Smith (J)
Cabaniss			

—28

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 93. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 93, to-wit:

SUBSTITUTE FOR S. B. 93

**A BILL
TO BE ENTITLED
AN ACT**

To provide for a cost of living increase to retirees receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama, to provide for the

funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby provided, commencing October 1, 1988 to each person whose effective date of retirement for purposes of receiving benefits from the Teachers' Retirement System is prior to October 1, 1987, and who is receiving a monthly allowance from the Teachers' Retirement System a cost of living increase \$2.00 per month for each year of service attained by said retiree.

Section 2. (a) There is hereby provided, commencing October 1, 1988 to certain persons identified in subsection (b) herein, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1987 and who is receiving a monthly allowance from the Employees' Retirement System a cost of living increase of \$2.00 per month for each year of service attained by said retiree.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on §36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted herein shall not apply to any other participants in the Employees' Retirement System.

Section 3. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama \$14,553,480.00 for the fiscal year beginning October 1, 1988, or such amounts as are necessary to carry out the provisions of this section as it relates to the Teachers' Retirement System.

(b) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Employees' Retirement System \$45,000.00 for the fiscal year beginning October 1, 1988, or such amounts as are necessary to carry out the provisions of this section as they relate to the Employees' Retirement System.

(c) Subsequent appropriations to the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefits increases provided in Sections 1 and 2 of this bill, provided that the benefits provided herein shall continue from year to year only so long as the Legislature shall continue to fund the cost of said increases.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost of living increase provided herein shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost of living increase provided herein, shall not be entitled to receive said increase subsequent to the date that the member files application for benefits under the Medicaid program.

Section 5. The provisions of this bill are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to the retired members of the Teachers' Retirement System and certain members of the Employees' Retirement System of Alabama; however, those laws or parts of laws which are in direct

conflict or inconsistent therewith are hereby repealed to the extent of such conflict.

Section 6. This act shall become effective October 1, 1988 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Cabaniss	Ellis	Menton		—30

Nays: —0

And said Bill, S. B. 93, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 28; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Holmes	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss				—28

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 312, lost, for failure to receive the required three-fifths of those voting.

Yeas 14; Nays 13.

Yeas:

Senators:	deGraffenried	Ellis	Preuitt	
Bailey	Dial	Hale	Smith (B)	
Bedsole	Dixon	Hand	Smith (J)	
Cabaniss	Drinkard	Manley		—14

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Nays:

Senators:	Bishop	Foshee	Langford
Amari	Campbell	Goodwin	Parsons
Bedford	Corbett	Holmes	Sanders
Bennett	Denton		

—13

UNANIMOUS CONSENT GRANTED

Senator Bailey requested and received unanimous consent to substitute the Bill, S. B. 435, in place of the Bill, S. B. 278, and to postpone S. B. 278.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 435, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	deGraffenried	Goodwin	Menton
Bailey	Denton	Hale	Mitchem
Bedford	Dial	Hand	Preuitt
Bennett	Dixon	Holmes	Rice
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 435. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton
Amari	Corbett	Foshee	Mitchem
Bailey	deGraffenried	Goodwin	Parsons
Bedford	Denton	Hale	Preuitt
Bennett	Dial	Holmes	Sanders
Bishop	Dixon	Langford	Smith (B)
Cabaniss	Drinkard	Manley	Smith (J)

—27

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 434, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Menton	
Amari	Campbell	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Drinkard	Langford	Sanders	
Bennett	Ellis	Manley	Smith (B)	
Bishop	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 434. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition; to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide

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for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, H. B. 434, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 522, lost, for failure to receive the required three-fifths of those voting.

Yeas 13; Nays 14.

Yeas:

Senators:	Dial	Hand	Preuitt	
Bedsole	Drinkard	Manley	Rice	
Cabaniss	Ellis	Mitchem	Smith (B)	
deGraffenried	Hale			—13

Nays:

Senators:	Bennett	Denton	Langford	
Amari	Bishop	Foshee	Menton	
Bailey	Campbell	Goodwin	Parsons	
Bedford	Corbett	Holmes		—14

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 521, lost, for failure to receive the required three-fifths of those voting.

Yeas 13; Nays 12.

Yeas:

Senators:	Dixon	Manley	Rice	
Bedsole	Ellis	Mitchem	Smith (B)	
Cabaniss	Hale	Preuitt	Smith (J)	
Dial	Hand			—13

Nays:

Senators:	Bishop	Denton	Holmes	
Amari	Campbell	Foshee	Langford	
Bailey	Corbett	Goodwin	Sanders	
Bedford				—12

MOTION TO ADJOURN LOST

At 10:10 P.M., Senator Hand moved that the Senate adjourn, which motion was lost.

Yeas 11; Nays 16.

Yeas:

Senators:	Dial	Hale	Preuitt	
Cabaniss	Dixon	Hand	Smith (B)	
deGraffenried	Ellis	Manley	Smith (J)	—11

Nays:

Senators:	Bishop	Foshee	Menton
Amari	Campbell	Goodwin	Mitchem
Bailey	Corbett	Holmes	Parsons
Bedford	Denton	Langford	Sanders
Bennett			

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MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 26. REPEALING ACT NO. 302, H. J. R. 227, 1976, REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 15	S. B. 602	S. B. 480
S. B. 233	S. B. 315	S. B. 559

Delivered to the Governor April 19, 1988, at 6:00 P.M.

S. B. 588

Delivered to the Governor April 19, 1988, at 8:05 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 10:15 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, April 21, 1988, at 10 o'clock A.M.

TWENTY-SEVENTH LEGISLATIVE DAY

THURSDAY, APRIL 21, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by Senator Bobby Denton, First Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jason Robb, Auburn Junior High School, Auburn, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

—34

JOURNAL

On motion of Senator Manley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Manley, leave of absence was granted Senator Covington for today.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 93. To provide for a cost of living increase to retirees receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama, to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

BILL DRINKARD,
Chairperson.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 616. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

By Rep. Johnson (RG):

H. 101. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (RG) (With Amendment):

H. 102. To amend Sections 22-21-20 and 22-21-27 of the Code of Alabama 1975, relating to licensing of hospitals, nursing homes and other health care institutions so as to include home health agencies; and to provide further for the advisory board.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 181. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

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By Reps. Carothers, Johnson (RG), Biddle, Haynes, White (L), Faulk, Butler, Freeman, McClain, Hall, Kvalheim, Williams, and McDowell:

H. 638. To amend Title 22, chapter 32, Code of Alabama 1975, relating to the Southeast Interstate Low-Level Radioactive Waste Management Compact, so as to clarify the withdrawal criteria for a party state, to specify host state requirements, and to clarify the designation of Alabama's commissioners.

By Reps. Carothers, Johnson (RG), Biddle, Haynes, White (L), Faulk, Butler, Freeman, McClain, Hall, Kvalheim, Williams, and McDowell:

H. 639. To amend section 22-14-14, Code of Alabama 1975, relating to radiation control, so as to provide for civil penalties for users of radioactive material and to provide for the regulation and certification of volume reduction of low-level radioactive wastes and the collection of fees from federal licenses requesting certification.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 762. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

By Rep. Carter:

H. 156. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

By Rep. Harper:

H. 226. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Newman, Box, Turner, Clark (W), Butler, Breedlove, Kvalheim, Clark (J), Fuller, Hammett, Venable, Hettinger, Slaughter, Marietta, Campbell, Freeman, Adams, White (F), Hall, Petelos, Gray, Junkins, Williams, Turnham, Knight, and Johnson (RW) (With Substitute):

H. 695. To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from offshore wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at four percent.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 278. To amend section 32-6-15, Code of Alabama 1975, relating to drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

By Reps. Payne, Williams, Zoghby, Carter, Kennedy, and McMillan:

H. 933. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

By Rep. Mikell:

H. 458. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfers" tax, thereby adding revenues to the State of Alabama without increasing the total tax liability of taxpayers.

By Rep. Harper:

H. 899. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

By Rep. Turnham:

H. 276. To amend section 32-7-4, Code of Alabama 1975, to increase the fee for an abstract of a driving record from \$4.00 to \$7.50.

By Rep. Payne:

H. 131. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford: (With Substitute)

S. 337. To promote and establish ridesharing programs throughout the State of Alabama for the purpose of reducing energy consumption, improving air quality, reducing traffic congestion and preserving Alabama's roads and highways.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Rains:

H. 10. To provide for mandatory testing of rapists and prostitutes for sexually transmissible diseases; to provide for voluntary testing in certain

instances; and to prescribe additional criminal penalties for persons convicted of rape or prostitution after having tested positive for said diseases.

By Rep. Turnham:

H. 182. To amend sections 27-10-20, 27-10-22, 27-10-24, 27-10-26, 27-10-31 and 27-10-35, Code of Alabama 1975, which relate to surplus line insurance, so as to provide for a premium tax on certain life and disability insurance placed with certain companies not licensed to do business in Alabama; to provide further for licensing of life and disability resident agents as surplus line brokers and for increasing the bond liability sum requirements of surplus line brokers; to amend policy endorsement requirement; to provide further for eligibility requirements of certain non-licensed insurers; to exclude brokers from payment of surplus line tax on coverage insuring governmental entities; to exempt governmental entities from payment of surplus line tax and to provide for an effective date.

By Rep. Turnham:

H. 273. To provide for a services fee when personnel of the department of public safety provide testimony, depositions or a related service relative to a civil matter.

By Rep. White (F):

H. 270. To establish the Alabama criminal justice system council on crime and punishment; to provide for the membership on the council; to prescribe the duties and authority of the council; and to provide an effective date.

By Rep. Turnham:

H. 275. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Laird, Richardson, Layson, Mikell, Grouby, Blakeney, Wright, Adams, Butler, Curry, Willis, Headley, Warren, Newman, Logan, Lindsey, Hooper, Blake, Gaston, Marks, Hamilton, White (F), Britnell, Carter, Ford, Moon, Burke, White (L), Walker, Hogan, Zoghby, Hill, Knight, Dillard, Johnson (RG), Crow, Breedlove, Beasley, Turner, McMillan, Fuller, Bryant, Newton, Escott, Kennedy, McClain, Spratt, Rains, Clark (J), Frazier, McKee, Box, Penry, Faulk, and Starkey (With Amendments):

H. 341. To levy a tax on all tobacco products; to amend section 40-25-23, Code of Alabama 1975, relating to the disposition of revenue collected under the tobacco tax, so as to provide further for said disposition of revenue; to provide for the elimination of all tobacco taxes by any city, town or county; to amend section 40-25-41, Code of Alabama 1975, relating to the use tax on tobacco products, so as to provide further for said tax; and to repeal sections 40-25-2, 40-25-3, 40-25-4 and 40-25-29, Code of Alabama 1975, relating to the tax on tobacco products.

Senator Preuit, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Brooks:

H. 290. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

By Rep. Turnham:

H. 280. To amend section 32-2-8, Code of Alabama 1975, to increase the fee charged for a copy of any record in the files of the department of public safety.

By Reps. Higginbotham, Junkins, White (L), Wright, Hettinger, Slaughter, Britnell, Butler, Grouby, Adams, Kvalheim, Richardson, Laird, Walker, Willis, Crow, Mikell, Bowling, Headley, Hooper, Box, Zoghby, McMillan, Turnham, McKee, Layson, Johnson (RW), Rains, Holley, Petelos, Warren, Moon, Marks, Frazier, Hogan, Blakeney, Spratt, Hill, Kennedy, Turner, Johnson (RG), Cosby, Parker, Knight, Gray, Starkey, Lindsey, Freeman, Brooks, Escott, Thomas, Biddle, Clark (J), Burke, Hamilton, Buskey (JE), Newman, Hammett, Black, Faulk, Breedlove, Penry, Poole, and Flowers:

H. 418. To repeal Sections 13A-12-150 through 13A-12-159 and Sections 13A-12-170 through 13A-12-179, Code of Alabama 1975; to define obscene material; to define and prohibit the production of, the distribution of, the possession with intent to distribute, and the offer or agreement to produce or distribute obscene material for any thing of pecuniary value; to define and prohibit the public dissemination of obscene material; to define and prohibit the distribution to a minor, the possession with intent to distribute to a minor, the offer or agreement to distribute to a minor, and the display for sale of any material which is indecent for minors; to provide for wholesale, retail and other misdemeanor and felony criminal penalties; to provide for felony penalties for hard core pornography as defined, material previously adjudged as obscene, and the production of or offer of or agreement to produce obscene materials; to provide for affirmative defenses; to provide for extradition; to provide for the preventing or enjoining by the circuit courts of any violations of this Act; to provide for preliminary and permanent injunctions and for certain immunities and further to provide that no bond shall be required of the official bringing the action; to provide for the forfeiture and disposition of obscene materials, material which is indecent for minors, moneys, negotiable instruments and funds and all proceeds or receipts derived from obscene material, material which is indecent for minors, moneys, negotiable instruments and funds, used, intended to be used, or obtained by any person in violation of this Act; to provide for the forfeiture of a money judgment amount in lieu of certain property subject to forfeiture; to provide that the Alabama Red Light Abatement Act and Sections 13A-12-190 through 13A-12-198, Code of Alabama 1975, which pertain to obscene materials displaying or depicting children, shall not be repealed; to provide that city and county ordinances not in conflict with the substantive provisions of this act shall not be repealed by implication; to provide for the punishment under previously existing law of offenses committed prior to the effective date; and to provide for severability and for an effective date.

By Reps. Marietta, Box, Walker, Freeman, Hammett, Campbell, Fuller, Carter, Harper, Ford, Brooks, Starkey, Faulk, Hettinger, Kvalheim, Williams, White (L), Slaughter, McMillan, and Clark (J):

H. 392. Relating to all civil actions in tort, contract or otherwise against architects and engineers, and against builders who construct or perform or manage construction of an improvement on or to real property designed by and constructed under the supervision of, or constructed in accordance with, the plans and specifications prepared by, an architect or engineer, arising out of any defect or deficiency in the design, planning, testing, supervision, administration or observation of construction of an improvement on or to real property, or arising out of any defect or deficiency in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act does not apply to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against such architects or engineers or builders or any other persons; to exclude causes or rights of action against manufacturers of products; to extend the bar of causes or rights of actions for breach of contract arising out of written express warranties to coincide with the period thereof; to define terms and to repeal all conflicting laws.

By Rep. Venable:

H. 495. To amend Code of Alabama 1975, §32-5A-191, to provide that the driver of a truck, truck tractor, road tractor, trailer, semitrailer, or pole trailer with a gross vehicle weight rating of 10,001 pounds or more, or the driver of a bus, or the driver of a school bus, or the driver of a taxicab, who has 0.04 percent or more by weight of alcohol in his blood, commits the crime of driving under the influence of alcohol.

By Reps. Marietta, Box, Walker, Freeman, Hammett, Campbell, Fuller, Carter, Harper, Ford, Brooks, Starkey, Faulk, Hettinger, Kvalheim, Williams, White (L), Slaughter, McMillan, and Clark (J):

H. 391. Relating to all civil actions in tort, contract or otherwise against materialmen who provide labor, material and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than seven years after the substantial completion of construction of an improvement on or to the real property; to provide when a cause of action accrues or arises; to provide that this act applies to causes of action which have accrued prior to its effective date; to provide that this act does not create any cause of action against materialmen or any other person; to define terms; and to repeal all conflicting laws.

By Senator Langford:

S. 684. To provide for a revision of the adoption laws of Alabama by providing: general provisions, definitions, jurisdiction of court and venue; who may be adopted; for consents or relinquishments; for the form and content of petition for adoption and service of notice; for custody pending final decree, investigation, and contested hearing; for adoption by stepparent

or other relative; for grandparent visitation; to allow as a deduction for Alabama income tax purposes certain medical and legal expenses paid by a taxpayer in connection with adoption by amending section 40-18-15, Code of Alabama 1975; to repeal sections 26-10-1 through 26-10-10 and 43-4-1 through 43-4-4, Code of Alabama 1975; to provide for criminal offenses and punishment; and to provide an effective date.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Richardson:

H. 381. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, which provide for game and fish hunting and fishing licenses, so as to increase the license fees, delete an exemption relating to fishing by certain county residents, increase the penalties for violations, and authorize the issuance of licenses on a combination basis.

Senator Rice, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper, Campbell, Fuller, Newman, Cosby, Johnson (RW), Burke, Gaston, Hettinger, Faulk, and Freeman:

H. 360. To create the Dietetic/Nutrition Licensing Act and to provide for a board of examiners, and to prescribe the method of appointment; its duties and authorities; and to provide for licensing qualifications, renewals and revocation, exemptions, reciprocity, and penalties.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Corbett, Foshee, Parsons, Langford, Bennett, Campbell, and Bedford (With Substitute):

S. 183. To amend further section 25-4-72, Code of Alabama 1975, relating to unemployment compensation, so as to increase maximum weekly unemployment benefits to \$150.

Senator Foshee, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Laird, Kvalheim, Turnham, Richardson, Layson, Hammett, Mikell, Burke, and Fuller:

H. 306. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the

establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Senator Dial, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hettinger:

H. 321. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

By Reps. Hettinger and Carter:

H. 696. To amend Sections 11-98-2, 11-98-4 and 11-98-5 of the Code of Alabama 1975, as amended, relating to emergency telephone service so as to provide further for procedures relating to the creation of communications districts; to provide further for personnel employed in such districts; to prescribe the corporate structure and organization of such districts, including their corporate powers and to provide that such districts may receive certain property and make certain expenditures; designating the Alabama Emergency Management Agency as the State Coordinating Agency for emergency telephone service.

By Rep. Johnson (RG):

H. 719. To establish the Alabama Underground Storage Tank Trust Fund; to provide for an annual underground storage tank trust fund fee, to be imposed upon underground storage tanks and that said fee may not exceed \$150 per regulated tank or be reduced below \$10 per regulated tank; provides that in the first year the tank fee will be set at \$100 per regulated tank; to provide for timely payments thereof and penalties for failure to pay the fees; to provide that the tank fee shall be held in a revolving trust fund and that the amount of the fund shall accumulate until the Fund reaches ten million dollars (\$10,000,000.00); to provide that the fees will abate when the total amount of the Fund reaches ten million dollars (\$10,000,000.00), and that the fee will be reimposed only when the Fund has been reduced to seven and one-half million dollars (\$7,500,000.00); to provide for the imposition of the \$150 fee if at the end of any fiscal year the Fund has less than \$250,000; provides for special assessment of fees to protect the financial integrity of the Fund; establishes an Advisory Board to advise the Department of Environmental Management on certain matters; satisfies financial responsibility requirements for underground storage tank owners or operators as required by federal law; to provide for payment from the Fund for clean-up costs and third party claims; to provide for the method of proceeding

with third party claims; gives the Attorney General authority to defend the Director representing the Fund and to have the costs reimbursed from the Fund; and to provide that none of the particulars of the Fund are admissible in court, provides for notification, guidelines and effective dates.

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (G):

H. 333. To levy a fee of \$4.00 per ton on operators of commercial sites for the disposal of hazardous waste for each ton of hazardous waste received for disposal at such sites; to define certain terms; and to provide that the operators of such sites shall pay all such fees to the State general fund.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale (With Notice and Proof):

S. 676. Relating to Cullman County; providing that county supplements paid to court reporters in the Thirty-second Judicial Circuit shall be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

By Senator Hale (With Notice and Proof):

S. 677. Relating to Cullman County; providing a certain county supplement to the salary of each supernumerary court reporter in the Thirty-second Judicial Circuit payable from the county treasury.

By Senator Bedford (With Notice and Proof):

S. 678. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

By Senator Bedford:

S. 680. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Marion County Public Water Authority by a general or a local act of the Legislature.

The above Bill was read a second time at length as required by the Constitution.

By Senator Bailey (With Notice and Proof):

S. 689. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

By Senator Bailey (With Notice and Proof):

S. 690. To provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided

for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416; and to provide for retroactive effect.

By Senator Goodwin (With Notice and Proof):

S. 683. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

By Senator Rice (With Notice and Proof):

S. 688. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

By Reps. McMillan and Penry (With Notice and Proof):

H. 969. Relating to Baldwin County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

By Reps. McMillan and Penry (With Notice and Proof):

H. 971. Relating to Baldwin County; to amend Section 1 of Act No. 57, S. 71, Second Special Session 1978 (Acts 1978, p. 1745), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof and expressing legislative intent that the fee collected is in addition to other appropriations.

By Reps. Penry and McMillan (With Notice and Proof):

H. 972. Relating to Baldwin County; authorizing the circuit and district court judges in said county to conduct non-jury court proceedings in certain branch courthouses within the county not to exceed a total of 160 days during any year; and providing for a referendum on such authorization.

By Rep. Carter:

H. 987. To propose an amendment to the Constitution of 1901 pertaining to Limestone County, to provide that no police jurisdiction of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Penry and McMillan (With Notice and Proof):

H. 970. Relating to Baldwin County; repealing Act No. 87-770, H. 1053, 1987 Regular Session (Acts 1987), which relates to gasoline tax for highways and bridges.

By Reps. Freeman, Butler, Hall, Brooks, Grayson, and Hettinger (With Notice and Proof):

H. 544. To exempt the Optimist Boys Center, Inc. from all county or local ad valorem taxation.

By Rep. Penry (With Notice and Proof):

H. 685. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

By Rep. Johnson (RG) (With Notice and Proof):

H. 718. To provide for the compensation of the governing members of The Utilities Board of the City of Sylacauga, Alabama, a corporation.

By Rep. Logan (With Notice and Proof):

H. 721. Relating to Marion County; authorizing the county commission to levy and collect a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes if levied by the county commission; and providing for enforcement of this act.

By Rep. Coburn (With Notice and Proof):

H. 729. Relating to Colbert County; to amend further Section 2 of Act No. 1144, S. 593, 1969 Regular Session (Acts 1969, p. 2145 and Act 1255, H. 1118, 1969 Regular Session, (Acts 1969, 2372), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

By Reps. Hall, Freeman, Butler, Brooks, Hettinger, and Grayson (With Notice and Proof):

H. 734. Relating to Madison County; to provide further for the salary of the Probate Judge, effective upon the next term of office; to provide that such salary be paid from the county general fund; and that such salary shall constitute the total compensation paid to the probate judge, in lieu of any other salary, allowance or compensation heretofore provided by law.

By Rep. Layson (With Notice and Proof):

H. 742. Relating to the 24th judicial circuit; to amend the title and Sections 1 and 2 of Act No. 47, H. 46, 1956 Second Special Session (Acts of 1956, Vol. 1, p. 339), which act provides for a law enforcement fund in such circuit consisting of certain district attorneys' fees, so as to provide that such fund shall be for the use of the district attorney of the 24th judicial circuit; and to provide for the effective date of this amendatory act.

By Rep. Adams (With Notice and Proof):

H. 758. Relating to Russell County; amending Act No. 81-470, 1981 Regular Session, which provides for an expense allowance for the coroner, so as to provide further for said expense allowance.

By Rep. Adams (With Notice and Proof):

H. 759. Relating to Phenix City in Russell County; amending Act No. 71, H. 114, 1977 Regular Session, which provides for a council-manager form of government, so as to provide further for the compensation of the mayor and council members.

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 767. Relating to Houston County; to impose a special additional filing fee of two dollars (\$2.00) on certain instruments, documents, and papers

filed for record in the office of the Judge of Probate; to provide for the disposition of said fees; and to provide that said law shall be cumulative.

By Reps. Mathis, Carothers, and Beasley (With Notice and Proof):

H. 768. Relating to Houston County; authorizing the Houston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and providing that the said tax shall be subject to all rules, regulations, promulgations, authority and fines of the state department of revenue as are all other similar taxes.

By Reps. Parker and Drake:

H. 772. To propose an Amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to grant money to the county sheriff's posse.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Cosby (With Notice and Proof):

H. 778. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement Fund and provide for the use of such fund and effective date.

By Rep. Johnson (RW) (With Notice and Proof):

H. 786. To create in the City of Tuscaloosa, Alabama, a pension fund for all retired Special Police Officers of the City of Tuscaloosa appointed pursuant to the provisions of Act 96 of the 1975 4th Special Session (Acts of 1975, p. 2776).

By Reps. Hill and Knight (With Notice and Proof):

H. 803. Relating to Shelby County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Rep. Flowers (With Notice and Proof):

H. 844. Relating to Pike County; providing further for the compensation of the members of the board of registrars and repealing Act No. 85-990, H. 103, 1985 Second Special Session.

By Rep. Newman (With Notice and Proof):

H. 849. Relating to Lamar County; providing for an additional expense allowance for the county coroner.

By Rep. Mathis (With Notice and Proof):

H. 852. To authorize the Geneva County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

By Rep. Venable (With Notice and Proof):

H. 853. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable (With Notice and Proof) (With Amendment):

H. 854. To amend, alter, rearrange, extend, and confirm the boundary lines and corporate limits of the municipality of The City of Tallassee in Elmore County, Alabama and Tallapoosa County, Alabama.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Dillard (With Notice and Proof):

H. 872. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas north and east of and contiguous to existing corporate limits to be included within the town.

By Rep. Thomas (With Notice and Proof):

H. 875. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 882. Relating to Lee County; amending Act No. 83-682, S. 547, 1983 Regular Session, which provides for registration fees on mobile homes, so as to increase said fees.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 880. Relating to Lee County; amending Act No. 81-736, H. 1053, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 881. Relating to Lee County; providing for the creation, appointment, powers and duties of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector;

and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and providing for the county commission to set the compensation of such officer.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 884. Relating to Lee County; providing further for additional costs and charges in all Circuit and District Court cases, excluding Small Claims Division, and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of such funds.

By Rep. Carter (With Notice and Proof):

H. 892. Relating to Limestone County, to provide that the total annual compensation of the chief deputy sheriff shall be an amount equal to seventy-five percent of the total annual compensation paid to the sheriff of said county, to be payable from the county treasury.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 883. Relating to Lee County; amending Act No. 81-735, H. 1052, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

By Rep. Carter (With Notice and Proof):

H. 893. Relating to the thirty-ninth judicial circuit; providing a certain optional allowance for the district attorney in said circuit.

By Rep. Williams (With Notice and Proof):

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars retroactive to October 1, 1987.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 886. Relating to Lee County; authorizing the county commission to levy and collect a one percent sales tax outside the corporate limits of the cities of Auburn and Opelika paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; and prescribing penalties and fixing punishment for violation of this act.

By Rep. Flowers:

H. 894. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for Pike County Government Modernization, so as to provide for: the county unit system; the abolition of the offices of tax assessor and tax collector and the combination of those duties in a new office, the revenue commissioner; and the separation of the duties of judge of probate and chairman of the county commission.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Blakeney and Black:

H. 901. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Choctaw County.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Black and Blakeney (With Notice and Proof):

H. 902. Relating to Choctaw County; providing further for the compensation of the judge of probate.

By Reps. Black and Blakeney (With Notice and Proof):

H. 903. Relating to Choctaw County, providing further for the compensation of the members of the county commission and repealing Act No. 81-748, H. 1124, 1981 Regular Session, and Act No. 81-917, H. 15, 1981 1st Special Session.

By Rep. Lindsey (With Notice and Proof):

H. 905. Relating to Cleburne County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge to have one general index book relative to transactions in the probate office of Cleburne County.

By Rep. Lindsey (With Notice and Proof):

H. 906. Relating to Cleburne County; authorizing the renewal of business licenses by mail; authorizing certain additional fees and cost pursuant to such system of renewal; and providing that such fees shall be set by the County Commission from time to time to pay the cost of mailing said licenses.

By Rep. Lindsey (With Notice and Proof):

H. 907. Relating to Cleburne County; providing further for the duties of the county health department and its agents in performing certain tests for septic tank installation; and repealing conflicting laws.

By Rep. Mathis (With Notice and Proof):

H. 915. Relating to Geneva County and the compensation of the coroner; amending Act No. 81-367, H. 896, 1981 Regular Session (Acts 1981, p. 535), which sets the compensation of the coroner, so as to increase the expense allowance.

By Rep. Britnell (With Notice and Proof):

H. 916. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Rep. Britnell (With Notice and Proof):

H. 917. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes

levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

By Rep. Britnell (With Notice and Proof):

H. 918. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

By Rep. Mathis (With Notice and Proof):

H. 919. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

By Rep. Moon (With Notice and Proof):

H. 921. Relating to Marshall County; to create a motor vehicle license and title division within the probate judge's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicles licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax collector and tax assessor to said probate judge.

By Rep. Venable (With Notice and Proof):

H. 922. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Venable (With Notice and Proof):

H. 923. Relating to Coosa County; levying an additional ad valorem tax in said county to be used for certain fire protection and ambulance service and providing for a referendum.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Mikell (With Notice and Proof) (With Amendment):

H. 925. To regulate the registration and identification of certain mobile homes in Elmore County and to prescribe penalties for violation of the provisions of this act.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newman (With Notice and Proof):

H. 926. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Laird (With Notice and Proof):

H. 938. To authorize the Clay County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Lindsey (With Notice and Proof):

H. 944. To authorize the Cleburne County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Laird (With Notice and Proof):

H. 950. Relating to Clay County; abolishing the office of constable and providing an effective date.

By Rep. Laird (With Notice and Proof):

H. 951. To fix the fee for the issuance of pistol permits in Clay County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

By Rep. Clark (J) (With Notice and Proof):

H. 952. Authorizing the Barbour County Commission to compensate a secretary who shall work in the office of the sheriff.

By Rep. Rains (With Notice and Proof):

H. 958. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

By Rep. Reed (With Notice and Proof):

H. 959. Relating to Bullock County; providing that the sheriff, chairman of the county commission and judge of probate of Bullock County shall receive the same amount of compensation for serving as such officers.

By Rep. Campbell (With Notice and Proof):

H. 961. To authorize the Calhoun County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

No citizen shall be denied any service because of that person's inability to pay.

By Rep. Knight (With Notice and Proof):

H. 964. Relating to Shelby County; to legalize the sale of draft or keg beer; and to provide for the sale thereof by retail licensees of the Alabama Alcoholic Beverage Control Board.

By Rep. Warren (With Notice and Proof):

H. 976. To authorize the official court reporter of the Thirty-fifth Judicial Circuit to enroll, retroactively, in the retirement system of either or both of the counties comprising said circuit, notwithstanding the strictures of Title 36-27-6, Code of Alabama 1975.

By Rep. Marks (With Notice and Proof):

H. 981. To authorize the Morgan County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. Freeman (With Notice and Proof):

H. 984. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

By Rep. Black (With Notice and Proof):

H. 757. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

By Rep. Black (With Notice and Proof):

H. 874. Relating to Greene County; to amend Act 87-621 (H. 1101) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

By Rep. Black (With Notice and Proof):

H. 873. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

By Rep. Bryant (With Notice and Proof):

H. 855. Relating to Perry County, to amend Act No. 80-492, H. 1040, 1980 Regular Session, which pertains to levying and collecting assessments on forestlands, so as to increase the amount of said levy.

Senator Figures, Vice Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Marietta, Zoghby, Kvalheim, Kennedy, Buskey (JE), Clark (W), Gaston, Harper, and Box (With Notice and Proof):

H. 949. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama; First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

By Rep. Harper (With Notice and Proof):

H. 765. To further amend Act No. 81-450, H. 825, Regular Session 1981 (Acts 1981, p. 773), which act, as amended, relates to Mobile County and authorizes the county commission to establish a solid waste management program in the unincorporated areas of the county, so as to provide for the removal and reappointment of appointed members of the Solid Waste Management Advisory Board who miss two or more consecutive meetings of the board, and to provide for a procedure for giving notice and making recommendations pursuant to proposed increases in the fees charged by residential collectors.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Campbell, Drake, Grouby, Spratt, Butler, Hill, Holmes, Moon, Williams, Mathis, Laird, Buskey (JE), Reed, Thomas, Crow, Rogers, Grayson, Bowling, Newton, White (F), McClain, Haynes, Johnson (RW), Hall, Buskey (JL), White (L), Holley, Faulk, Poole, Johnson (RG), Bryant, Black, Britnell, Hooper, Hogan, Zoghby, Box, Coburn, Blake, Flowers, Beers, White (G), Mikell, Junkins, Newman, Lindsey, Turner, Dillard, Headley, McDowell, Clark (W), Slaughter, Biddle, Walker, Hammett, Kvalheim, Starkey, Payne, Carter, Beasley, Parker, Bugg, Escott, Marietta, Fuller, Venable, Warren, and Goodwin:

H. 516. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal anti-discrimination requirements.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Notice and Proof):

S. 674. Relating to Madison County; providing an expense allowance for members of the county board of education.

By Senators Campbell and Hale (With Notice and Proof):

S. 675. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

By Senator Smith (B) (With Notice and Proof):

S. 687. Relating to Madison County; to further provide that the county commission may provide additional compensation for poll officials in an amount not less than \$10 per day from the county general fund, by amending Act No. 79-660, Regular Session 1979, (Acts 1979, p. 1142).

By Senators Manley and Sanders:

S. 682. Providing for a local salary supplement for the judge of the 17th judicial circuit; providing that any local salary supplement provided for said judge by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judge and prescribing the methods for determining and funding the local salary supplement provided by this act for said judge.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turnham:

H. 279. To amend section 32-6-8, Code of Alabama 1975, relating to learners' permits, so as to provide for a four-year learner's license and increase the fees accordingly.

By Rep. Turnham:

H. 187. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

By Rep. Poole:

H. 644. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

By Rep. Freeman:

H. 22. To amend Section 39-2-2 of the Code of Alabama 1975, so as to require at least twenty-one (21) consecutive days bid preparation and advertisement time for all proposed public works projects.

By Rep. Zoghby:

H. 215. To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

By Rep. Freeman:

H. 29. To amend Sections 39-6-1 and 39-6-2 of the Code of Alabama 1975, relating to the construction of public buildings with radioactive fallout protection so as to exempt those buildings having a basic type of construction less than that considered economically suitable for inclusion of fallout shelter space.

By Reps. Carothers, Beasley, and Mathis:

H. 963. To provide a form of municipal government to be known as the Mayor/Commission/City Manager form of government, which may be adopted by any Class 5 municipality in the State of Alabama; to provide the method by which any such city may adopt the Mayor/Commission/City Manager form of government; to define and provide the legal status, form of government and powers of any such city under the Mayor/Commission/City Manager form of government; to provide as the governing body of such city a city commission; to provide for a Mayor elected at-large and a four (4) member Commission elected from single-member districts, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and Commissioners and for the filling of vacancies in the office of Mayor and Commissioners and to provide the duties and authority of the Mayor and Commissioners; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission and adoption and the effect thereof; to provide for the terms and effects of succession in government of any city adopting the Mayor/Commission/City Manager form of government; to make various other provisions for any such city which adopts the Mayor/Commission/City Manager form of government and for the government thereof; and to provide for the means of abandoning the Mayor/Commission/City Manager form of government and the adoption by the city of other forms of municipal government in lieu thereof.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Marietta, Gaston, Kvalheim, Penry, McMillan, Harper, Hammett, Carter, Hettinger, Freeman, Johnson (RG), Faulk, Carothers, Grouby, Buskey (JE), Newman, White (L), Blakeney, Biddle, Hooper, Blake, Laird, Warren, Zoghby, Beasley, and Clark (W):

H. 169. To amend Section 33-4-48, Code of Alabama 1975, which relates to the pay of pilots so as to revise the schedule of pilots' fees.

By Rep. Turnham:

H. 179. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys

shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

By Rep. Harper:

H. 256. To make a supplemental appropriation of \$100,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 258. To make a supplemental appropriation of \$15,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 259. To make a supplemental appropriation of \$25,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 263. To make a supplemental appropriation of \$10,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 264. To make a supplemental appropriation of \$10,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Knight:

H. 394. To amend §35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (F) (With Amendment):

H. 473. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 694. To make an additional appropriation to the State Treasurer for fiscal year ending September 30, 1988, for salaries and expenses.

By Rep. Flowers:

H. 861. To amend Sections 32-8-6, 32-8-7, and 32-8-87, Code of Alabama 1975, so as to simplify the motor vehicle title transaction fee schedule, increase the designated agent's commission for services rendered to \$1.00, provide an additional processing fee of \$1.00 for certain county officials, and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

By Rep. Harper:

H. 763. To provide for a supplemental appropriation from the general fund to the Emergency Management Agency for the fiscal year ending September 30, 1988 to be used for Emergency Operations Center prototype development and construction.

By Rep. Harper:

H. 931. To amend §40-26-1, Code of Alabama 1975, to include in the levy of the lodgings tax State Park facilities rented by the Alabama Department of Conservation and Natural Resources, and by clarifying exemptions to the tax to state more clearly the intent thereof.

Senator deGraffenried, Chairperson of the Standing Committee on Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Newman, Moon, Freeman, Marks, Haynes, Hettinger, Penry, Bowling, Faulk, Turner, Kennedy, Thomas, Coburn, and Goodwin:

H. 500. To amend Section 9-17-1 and Section 9-17-33, Code of Alabama (1975), as amended, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McKee (With Notice and Proof):

H. 668. Relating to Montgomery County; to provide for the compensation for the members of the Board of Registrars and to repeal Act No. 833, S. 789 and Act No. 845, H. 1095, 1978 Regular Session.

REGULAR SESSION
27th Day

1595

By Rep. Dillard (With Notice and Proof):

H. 975. To authorize the Lawrence County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Rep. McKee (With Notice and Proof):

H. 790. Relating to Montgomery County; to amend Section 5(7) of Act No. 356, H. 1066 of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for an annual independent audit of the Retirement System and an actuarial evaluation at least once in each five-year period.

By Senator Dial (With Notice and Proof):

S. 681. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

By Senator Preuitt (With Notice and Proof):

S. 685. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

By Rep. Bugg (With Notice and Proof):

H. 59. Relating to the City of Gadsden, in Etowah County, amending Sections 4, 14 and 15 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158) which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for membership of the civil service board of the City of Gadsden and the meetings and minutes of said board.

By Rep. Johnson (RG):

H. 910. Relating to Talladega County; proposing an amendment to the Constitution of Alabama of 1901 to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for construction or financing or refinancing construction of a county jail; and providing for the removal of such fee in certain circumstances and the use of the fee not removed.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Haynes (With Notice and Proof):

H. 977. Relating to Talladega County; to provide for the establishment of a Civil Service System; to provide for definitions, exempt and classified services; to provide for exemption, merit principle, civil service board and expenses; to provide for rules, classification and pay plans; to provide a register of eligible persons, filling vacancies in classified service; to provide

for disciplinary action; to provide for complaints by private citizens; to provide for political activities; to provide for employee organizations; to provide for departmental work rules; to provide for a transitional period; to provide for certain unlawful acts and to provide penalties for violations.

By Rep. Lindsey (With Notice and Proof):

H. 1019. Relating to Cherokee County; repealing Act No. 1037, S. 929, Regular Session 1973 (Acts 1973, p. 1572), requiring certain identification tags for house trailers.

By Rep. Mikell (With Notice and Proof):

H. 1022. To authorize the Elmore County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Senator Hilliard, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 558. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

By Senators Cabaniss and Hilliard (With Notice and Proof):

S. 594. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

By Senator Hilliard (With Notice and Proof):

S. 464. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

RECESS

At 12:12 P.M., on motion of Senator Manley, the Senate took a recess until 2 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Freeman, Warren, Thomas, Layson, Blake, Headley, Burke, and Hooper:

H. 461. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 461—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 994. To make an appropriation of \$10,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 994—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1003. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1003—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1006. To make an appropriation from the State General Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1006—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. White (G):

H. 726. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 726—to the Committee on Finance and Taxation

(The above Bill was read a second time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 989. To propose a constitutional amendment repealing portions of Amendment No. 25, Amendment No. 61, and Amendment No. 212 of the

Constitution of Alabama insofar as such amendments relate to the disposition of the proceeds of the state income tax after provision for property tax relief; to provide for the disposition of the net proceeds of the state income tax after provision for property tax relief; and to establish a maximum rate of tax on net incomes.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 989—to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1018. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1018—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 999. To make an appropriation of \$15,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 999—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1000. To make an appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1000—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 996. To make an appropriation of \$25,000 from the State General Fund to the Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 996—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 241. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 241—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 242. To make an appropriation from the State General Fund for the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 242—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 232. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989,

and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 232—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 998. To make an appropriation of \$100,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 998—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Harper, Clark (J), and Campbell:

H. 1024. To amend Sections 40-18-5 and 40-18-71, Code of Alabama 1975, to increase the maximum individual income tax rate from 5% to 5½%, to amend Section 40-18-31 to increase the maximum income tax rate on the income of corporations from 5% to 5½%, and to amend Section 40-18-58 to provide for the appropriation of the increase in income tax revenues due to the increase in tax rate.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1024—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and Gaston:

H. 395. To make an appropriation from the State General Fund in the amount of \$350,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 395—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dillard:

H. 243. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 243—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 229. To make an appropriation from the State General Fund to the Beacon House—Jasper for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 229—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 239. To make an appropriation from the State General Fund for the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 239—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Harper:

H. 246. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1989, and to require

an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 246—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1004. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1004—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Marks and Parker:

H. 247. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 247—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 227—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 234. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 234—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Ford:

H. 11. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 11—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 251. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 251—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 997. To make an appropriation of \$10,000 from the State General Fund to the Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 997—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 995. To make an appropriation of \$2,500 from the State General Fund to the Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 995—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 993. To make an appropriation of \$15,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 993—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 248. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1989, and to require an operations plan prior to release of any funds.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 248—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Layson:

H. J. R. 434. CONGRATULATING THE ALICEVILLE HIGH SCHOOL YELLOW JACKETS GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING 1988 BASKETBALL SEASON.

Also:

By Rep. Layson:

H. J. R. 435. CONGRATULATING LISA MCMULLENS OF ALICEVILLE HIGH SCHOOL ON THE OUTSTANDING 1988 BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bishop, the Rules were suspended and the Resolutions, H. J. R.'s 434 and 435, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 146. To amend Section 36-21-7, Code of Alabama, 1975, by adding thereto fire protection personnel and firefighters; to extend the time in which to recover training expenses to twelve months; and to define terms.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

INTERIM COMMITTEE REPORTS FILED

Pursuant to the provisions of Act 84-775, the report of the Joint Interim Committee on County Government was read and ordered filed with the Secretary.

The Report of the Legislative Joint Interim Committee on Agriculture and Conservation was read and ordered filed with the Secretary.

RESOLUTIONS

Senator Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 194. TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

WHEREAS, under the provisions of the Act No. 86-526, an Interim Committee on Municipal Government of the Legislature of Alabama was organized with eight (8) members of the Legislature, four (4) from the House appointed by the Speaker and four (4) from the Senate appointed by the Lieutenant Governor, and the Committee has submitted its report to the Legislature.

The Committee made numerous recommendations with respect to the organization, function, administration, financial framework, election procedures, forms of government procedures, and the impact of growth and urbanization on Alabama cities and towns; and

WHEREAS, the current Legislature has adopted several bills studied by the Committee and will no doubt adopt several additional pieces of legislation which the Interim Committee recommended and there is a need to continue and complete the study begun by the said Interim Committee inasmuch as many areas, which the Committee studied, require further study in depth and require positive recommendations to the Legislature from the Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to further suggest to the State Legislators additional sound, workable, financially feasible and economically possible methods of administration for Alabama's municipal governments, there is hereby organized an Interim Committee on Municipal Government of the Legislature of Alabama, to be composed of eight (8) members of the Legislature, four (4) members from the House to be appointed by the Speaker of the House, and four (4) members from the Senate to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze the present status of municipal government in Alabama and to make recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the municipal governments of this State to more adequately meet and furnish the services and requirements of their citizens.

In reviewing the status and the laws of municipal governments in Alabama, the Committee shall consider and make studies of, but shall not limit its consideration, to the following items:

1. An assessment and study of the impact of reduced federal funds and the problems to municipalities created thereby; the study to suggest methods

whereby municipalities may continue furnishing services notwithstanding the reduction of federal assistance; the study also to include a review of the block grant delivery system of federal assistance.

2. A study and assessment of the problems faced by municipalities because of the mounting problems connected with sanitary sewage (waste water) disposal and a suggested avenue of meeting the tremendous expenses connected with such disposal; and a suggested funding mechanism to cover the cost of disposal.

3. A study of hazardous waste disposal and suggested solutions of the problems created by hazardous wastes.

4. A study of the infrastructure needs of Alabama towns and cities with particular emphasis on the study of road and street systems and their maintenance and repair.

5. A review with recommendations as to how municipalities can best improve the delivery of services of all types to their citizens.

BE IT FURTHER RESOLVED, That the Committee shall be appointed during the 1988 Regular Session and shall not consume more than forty-five (45) working days in performing its functions and that its report be finished in time for presentation of a preliminary report during the first week of the 1989 Regular Session of the Alabama Legislature and a final report to be submitted during the 1989 Regular Session of the Alabama Legislature and that as far as practical that all meetings of the Committee shall be held in the State House Building or in the State Capitol and be opened to the public. The Secretary of the Senate or Clerk of the House is hereby required to provide one (1) clerk, who shall be a competent stenographer, and the Committee is hereby empowered to employ such other personnel, including reporters and attorneys, as the Committee shall deem necessary. The Committee is hereby empowered to expend funds for the purpose of correspondence with prospective witnesses, in preparation of reports and in general expenses incident to the work of the Committee. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends the meeting of the Committee which shall be paid out of the funds appropriated to the use of the Legislature on warrants drawn on the State Comptroller upon requisition signed by the Committee's chairman. Provided, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The Chairman of the Committee shall certify the sums due to the clerk or other employees of the Committee. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of \$7,000.00 dollars. The Lieutenant Governor and the Speaker of the House shall jointly designate one of the members of the Committee as Chairman and one member to be Vice-Chairman. The Lieutenant Governor and the Speaker of the House shall be ex officio members of the Committee and shall receive compensation at the rate paid out members for each day that they sit with the Committee in its work on the subjects and problems listed in this resolution, or in handling any other matters agreed upon by the Committee in line with the general purpose of the Committee.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 195. DESIGNATING APRIL 19, 1988, AS "JEANNE DOZIER DAY" IN ALABAMA.

WHEREAS, the Legislature of Alabama, in jubilant pride, records the selection of Jeanne Skinner Dozier of Montgomery as the 1988 Outstanding Teacher of American History by the National Society, Daughters of the American Revolution, bestowed in recognition of Mrs. Dozier's educational leadership, interest in and promotion of historic preservation and demonstration of patriotism to students, school and community; and

WHEREAS, Jeanne Dozier, sponsored by Anne Phillips Chapter, DAR, was first selected for the state honor, and progressed through Southeastern regional competition before winning the national DAR title; and

WHEREAS, Mrs. Dozier, a teacher in Montgomery since 1976, currently teaches all eighth grade American history courses at Cloverdale Junior High School and, in 1986, led a successful movement to thwart the proposed deletion of American history from the junior high curriculum; and

WHEREAS, the oft-times honored Mrs. Jeanne Dozier has also exhibited concern for the total well-being of students and the school community through the encouragement and furtherance of pride of citizenship and attendant responsibilities; and

WHEREAS, Jeanne Dozier is a member and active participant in many affairs of Saint John's Episcopal Church, and is a contributor in other community areas including the arts, historic preservation and the Junior League; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of and gratitude for the signal honor she has brought to her community and state, we hereby designate April 19, 1988, as "Jeanne Dozier Day" in Alabama, and direct that she be presented with a copy of this resolution at the Continental Congress of the National Society, DAR, and that a copy also be forwarded to Alabama State Regent, Mrs. Walter R. Byars.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (B) offered the following Senate Resolution, to-wit:

S. R. 196. CONGRATULATING RAYMOND BRYANT JONES, JR., OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 197. CONGRATULATING RAYMOND BRYANT JONES, JR., OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Senate congratulates Raymond Bryant Jones, Jr., of Huntsville, Alabama, as the winner of the 4-H Steer Show award for county, district and state; and

WHEREAS, we further note that Ray Jones' steer also was number-one in the Best Alabama Bred Steer category; this was the first time ever

that both awards were given to the same steer, and the first time in fifteen years that an Alabama bred steer won the top award; and

WHEREAS, Ray's steer, which weighed 1225 pounds and was the largest ever to win the 4A competition, was sold to Hill and Brooks Coffee Company for \$9.00 per pound; and

WHEREAS, Raymond Bryant Jones, Jr., an 18-year old student at Huntsville High School, is indeed to be most highly praised for this outstanding accomplishment, and for his participation in the 4-H program to foster character development and good citizenship through projects emphasizing "head, heart, hands and health" as its objective; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

That in recognition of outstanding achievement, we hereby commend and congratulate Raymond Bryant Jones, Jr., of Huntsville, Alabama, in whom we are justly proud and for whom a copy of this resolution shall be provided.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 198. MOURNING THE DEATH OF MARY NEWELL WADSWORTH, WIDOW OF THE LATE JACK WADSWORTH OF WADSWORTH BROTHERS FARMS.

WHEREAS, Mary Newell Wadsworth was born in Kentucky and was a resident of Autauga County for fifty years; and

WHEREAS, Mrs. Wadsworth served her church, the First Presbyterian Church of Prattville, in various leadership capacities; and

WHEREAS, Mrs. Wadsworth was instrumental in the founding of the Prattville Service League and held numerous positions in the American Cancer Society and the Cahaba Regional Library, the forerunner of the Autauga-Prattville Library; and

WHEREAS, Mrs. Wadsworth contributed much to her family, her friends, to her County, State, and Nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, we do greatly mourn the death of Mary Newell Wadsworth, a true leader and great American.

BE IT FURTHER RESOLVED, That, as evidence of our sympathy and shared sorrow, a copy of this resolution be sent to her son, Jack Wadsworth, Jr.; her daughter, Jane Wadsworth Stoddard; sister, Dorothy N. Holland; and to her brother, Joseph M. Newell, Jr.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 199. CALLING FOR A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF ELECTING PRESIDENTIAL ELECTORS.

WHEREAS, the present system of selecting the President of the United States is not that which was intended by the framers of the United States Constitution, and also is not the system which the ratifying states intended; and

WHEREAS, the so-called "block" electoral system that has evolved is not fair, equitable or truly democratic, as it violates the spirit of the one-man one-vote principle; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby seek and request that all of our sister states join in calling for a Constitutional Convention for the single purpose of adjusting and making fairer the manner of electing the Presidential electors.

BE IT FURTHER RESOLVED, That delegates to this convention be limited to and in fact prohibited from proposing any amendment other than the following proposed constitutional amendment:

"Each state shall elect its Presidential electors in the following manner: Two Presidential electors shall be elected on a statewide basis, and the remaining electors shall be elected on a congressional district basis, similar to the basis by which members of the House of Representatives are elected."

RESOLVED FURTHER, That a copy of this resolution be forwarded to each member of Alabama's Congressional Delegation and to the presiding officers of the United States Senate and the United States House of Representatives.

Which was read and referred to the Standing Committee on Rules.

Senator Dixon then offered the following Senate Joint Resolution, to-wit:

S. J. R. 200. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON REQUIRING THAT CERTAIN STUDENTS MAINTAIN A CERTAIN OVERALL GRADE POINT AVERAGE TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the proposal relating to no pass-no play. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house, two members representing the Alabama High School Athletic Association, two members representing the High School Coaches Association and two members representing the High School Principal Association. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of requiring certain public school students participating in certain extracurricular activities either to satisfy certain academic standards or to attend a school sponsored tutoring program in order to remain eligible for such extracurricular participation.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1989 Regular Session. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and

travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Each nonlegislative member shall be reimbursed for his actual expenses. The total expenditures of the committee shall not exceed \$7,500.00.

Which was read and referred to the Standing Committee on Rules.

Senator Dixon then offered the following Senate Joint Resolution, to-wit:

S. J. R. 201. DESIGNATING APRIL 20, 1988, AS "ERIC DUNN DAY" IN ALABAMA.

WHEREAS, in a desire to recognize young Alabamians of distinguished achievement, the Legislature of Alabama commends Eric Dunn of Montgomery, Alabama, winner of the 1988 Good Citizen Contest of the National Society, Daughters of the American Revolution; and

WHEREAS, Eric Dunn, an honor student and a participant in Lanier High School's LAMP Program for the academically talented, is a highly motivated young man whose leadership, achievement and responsible citizenship embody the spirit and message of the prestigious NSDAR award; and

WHEREAS, in firm commitment and self-challenge, Eric Dunn has consistently sought the very highest goals and his impressive accomplishments have been recognized through such distinctions as National Merit Scholar Semi-Finalist, First Place in the Regional Science Fair, Who's Who Among American High School Students, Boys State, summa cum laude recognition in the National Latin Exam and Alabama Honors Academy, among numerous others; and

WHEREAS, Eric Dunn, the National DAR Good Citizen, was first named State Good Citizen of Alabama, thereby progressing to Southeastern regional competition, and was declared the national winner in challenge against young men and women of optimum achievement, nationwide; and

WHEREAS, Eric Dunn has indeed brought great honor to himself; to his local sponsor, Anne Phillips Chapter, DAR; and to the State, and it is the Legislature's desire that his achievements be publicly and appropriately recognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 20, 1988, as "Eric Dunn Day" in Alabama and do further provide that a copy of this resolution be presented to Mr. Dunn at the Continental Congress of the National Society, DAR, with a copy also forwarded to Alabama State Regent, Mrs. Walter R. Byars.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Dixon, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard,

Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 202. COMMENDING THE ALABAMA JOURNAL FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, it is with inordinate pride that the Legislature of Alabama congratulates The Alabama Journal as the recipient of the coveted Pulitzer Prize, journalism's highest award for excellence and an honor bestowed in the general news reporting category for The Journal's series entitled, "A Death in the Family"; and

WHEREAS, published in September 1987, the series dealt with the painful reality of Alabama's high infant mortality rate, and through such focus, has precipitated a united effort to eradicate this shameful neglect of human life and a blight upon the state; and

WHEREAS, we further note that the Pulitzer Prize, only the fourth ever won by an Alabama newspaper, was the second national first place award received by The Journal for this series which had previously won the 1987 Distinguished Service Award for Public Service in Newspaper Journalism from Sigma Delta Chi Society of Professional Journalists; and

WHEREAS, among those of The Journal staff to be most highly commended for their contributions to this outstanding report and for extraordinary professional accomplishment are Jim Tharpe, managing editor; Ann Green, city editor; Frank Bass, assistant city editor; writers Emily Bentley, Susan Eggering and Peggy Roberts; photography and copy staffs, as well as management and the remaining staff for their contributing support and encouragement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and extraordinary service to the citizens of the State of Alabama, we hereby commend and congratulate The Alabama Journal on its Pulitzer Prize and do further direct that copies of this resolution be forwarded to William B. Brown, executive editor, and Richard H. Amberg, Jr., publisher, for appropriate presentation and display.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 203. COMMENDING GEORGE BIBB PICKETT, JR., ON THE OCCASION OF HIS 70TH BIRTHDAY.

Which was filed.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

S. J. R. 204. RELATING TO PARTICIPATION IN THE TEACHERS' RETIREMENT SYSTEM.

WHEREAS, Act Number 1108 of the 1975 Legislature allowed all full time employees in public education to participate in the Teachers' Retirement System of Alabama, and to purchase, within a limited period, credit for previously ineligible service; and

WHEREAS, this act unintentionally covered full time student-employees at institutions of higher education in Alabama and the Teachers' Retirement

System erred initially in not permitting such student-employees the opportunity to purchase credit for such previous service; and

WHEREAS, the Teachers' Retirement System has attempted to correct this error by allowing members the opportunity to purchase credit for full time employment rendered while also enrolled as a student; and

WHEREAS, the Teachers' Retirement System has made a reasonable effort to correct this administrative error incurring a significant unfunded liability in the process; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Teachers' Retirement System make a final effort to provide notice to all affected members concerning their opportunity to purchase credit for full time service rendered while also a student at a state supported institution of higher education; and

BE IT FURTHER RESOLVED that the Teachers' Retirement System establish a time period for certifying credit for such service of not later than October 1, 1988 and a time limit for the purchase of such service of not later than June 30, 1989; and

BE IT FURTHER RESOLVED that the Teachers' Retirement System be provided a copy of this resolution in order that appropriate action may be initiated immediately.

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 376, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hale	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 376. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

was taken up.

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The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 376, to-wit:

SUBSTITUTE FOR S. B. 376

**A BILL
TO BE ENTITLED
AN ACT**

To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, as amended, be and is hereby further amended to add to Article IV. Eligibility to Participate, Section 3. Elected Officials and Employees in the Unclassified Service, a further subsection, to read in full as follows:

“(c) Unclassified Service: Effective July 1, 1988, each newly hired or rehired employee of the City of Birmingham who is in the unclassified service and who is normally scheduled to work sixteen (16) days per month or more, shall be a participant in the System. Each such employee who is employed by the City of Birmingham on July 1, 1988, and immediately preceding such day, shall have the option (1) to elect to continue to participate in any unclassified pension plan which may be provided by said City, thereby waiving any credit in this System under this provision; or (2) to elect participation in this System. Selection of option (2) will give such participant the right to purchase prior unclassified service as described in Article V, Section 7., Purchase of Credit for Prior Unclassified Service, if such service totals less than ten years. Payment for such time under ten years may be made in full or by payroll deduction over a period not exceeding two years at an interest rate of six (6) percent per annum or as set by the Board of Managers. If such service totals more than ten years, selection of option (2) will provide the participant with credit for one-half of each year completed in the unclassified service of the City prior to becoming a participant or employee member and shall require the payment only of any refund of contributions from any unclassified service pension directly to this System. The option herein provided shall be exercised not later than December 31, 1988. In the event an individual does not exercise this option, that individual shall be continued in any unclassified under option (1) above. Any employees of the Jefferson County Board of Health, or the Civil Defense Agency who may choose to participate in this system, shall have the same options herein provided for City of Birmingham employees and shall pay for prior service as if they had been participants in the unclassified pension system of the City of Birmingham during all such prior service. No payment shall be required if such prior service credit is waived.”

Section 2. Any Act or portion thereof which is in conflict with this Act is hereby repealed to the extent of such conflict.

Section 3. This Act shall become effective immediately upon its approval by the Governor.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hale	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

And said Bill, S. B. 376, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 376.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 194, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 194. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 194.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 371, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 371. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hand	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 371.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 372, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Parsons	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures			—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 372. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recompiled 1958) and as amended by Act No. 87-788, to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 372, to-wit:

SUBSTITUTE FOR S. B. 372

A BILL TO BE ENTITLED AN ACT

To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 is hereby amended to read in full as follows:

“There shall be established and constituted in accordance with the terms of this section a park and recreation board for the city. The planning of a park system, administration, improvement, development, conduct and supervision of the parks, park areas, park boulevards, playgrounds, recreational

centers and other recreational activities of the city shall be vested in the park and recreation board of the city, which shall be composed of five commissioners, who shall be residents of such city, and four of whom shall not be members of the governing body of the city. Each commissioner of said board shall receive an expense allowance in the amount of Seventy-five and 00/100 Dollars (\$75.00) per meeting attended; provided, however, that board members shall not be paid such expense allowance for more than two meetings in any month. The president of said board shall receive an expense allowance One Hundred and 00/100 Dollars (\$100.00) per meeting and the president shall not be paid such expense allowance for more than two meetings in any month. No commissioner who is also a member of the governing body of the City may receive this expense allowance. No accounting shall be required for such expense allowance. This expense allowance shall not be deemed to be compensation. This expense allowance shall qualify as per diem amount under Act No. 87-706 of the Legislature of Alabama of 1987. This expense allowance shall not reduce or limit the ability of the commissioners and president to receive reimbursement for further actual expense as approved by the Board. All commissioners shall be chosen solely because of their character and fitness. One member of the governing body of the city selected by such governing body shall at all times be a commissioner of said park and recreation board, provided that if there be in the city a member of the governing body whose department of the city government has the supervision of the parks of the city, such member shall by virtue of his office be a commissioner of the park and recreation board. Each of the other four commissioners of the park and recreation board first selected shall be chosen by the governing body of the city. The term of office of each commissioner of said board other than the one who is a member thereof by virtue of this membership in the governing body of the city shall be four years. As vacancies occur in the membership of the board by reason of the expiration of the terms of either of said four commissioners, or for any other reason, such vacancies shall be filled by nominations upon a majority vote of the governing body of the city, which nomination shall be certified to the park and recreation board and the remaining commissioners of the park and recreation board shall, by majority vote of such board within ten days of the receipt of the certification of nomination, appoint or decline to appoint the nominee of the governing body of the city to fill the vacancy in the park and recreation board which will exist by reason of the expiring term or otherwise. If the park and recreation board of the city declines to appoint the nominee of the governing body of the city it shall forthwith certify or cause to be certified to the governing body of the city such fact, and the governing body of the city forthwith in like manner shall make and certify another nomination to the park and recreation board of the city, and in like manner shall continue to make and certify a nomination to the park and recreation board of the city, appoint a nominee of the governing body of the city and appoint or refuse to appoint the nominee as a commissioner of the park and recreation board, and each time the park and recreation board refuses to appoint a nominee of the governing body of the city as a commissioner of the park and recreation board, that fact must be certified to the governing body as required in the first instance."

2. This act shall become effective immediately.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Parsons	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures			—25

Nays: —0

And said Bill, S. B. 372, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Parsons	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 372.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 373, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Parsons	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 373. To amend Act 248 of the 1945 Regular Session (General Acts of 1945, p. 376), as last amended by Act 87-815 of the 1987 Regular Session, relating to the Jefferson County civil service system, so as to provide further for the certification of candidates to fill vacancies in the classified service.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Amari	Corbett	Hale	Menton
Bailey	deGraffenried	Hand	Parsons
Bedsole	Denton	Hilliard	Preuitt
Bennett	Dial	Holmes	Rice
Bishop	Ellis	Horn	Sanders
Cabaniss	Figures		

—25

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 373.

THE BILL:

S. 374. To amend Article VI, Section 8 of the Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1988, the Board of Managers may waive the one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

was taken up.

On motion of Senator Hilliard, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 476, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley
Amari	Corbett	Hale	Menton
Bailey	deGraffenried	Hand	Parsons
Bedsole	Denton	Hilliard	Preuitt
Bennett	Dial	Holmes	Rice
Bishop	Ellis	Horn	Sanders
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 476. To amend Section 11-52-32, Code of Alabama 1975, relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Parsons	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Dial	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 476.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 477, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Hilliard	Preuitt	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 477. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the

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Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Amari	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Parsons
Bedford	Dial	Hilliard	Preuitt
Bennett	Dixon	Horn	Sanders
Bishop	Drinkard	Langford	Smith (B)
Cabaniss	Ellis		

—25

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 477.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 548, adopted.

Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Barron	Denton	Hale	Mitchem
Bedford	Dial	Hand	Parsons
Bennett	Dixon	Hilliard	Preuitt
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis	Langford	Smith (B)
Corbett	Figures		

—25

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 548. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds without requiring compliance with the competitive bid law.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment No. 1 to the Bill, S. B. 548, to-wit:

AMENDMENT NO. 1 TO S. B. 548

Amend Senate Bill 548, Page 1, Lines 18 and 19, by striking out the following:

“without requiring compliance with the competitive bid law”

after the word “weeds”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Hilliard	Preuitt	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis			—25

Nays: —0

The Standing Committee on Local Legislation No. 2 then reported the following amendment No. 2 to the Bill, S. B. 548, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 548, AS AMENDED

Amend Senate Bill 548, Page 2, Lines 32 and 33, by striking out the following:

“For purposes of this statute, compliance with the competitive bid law is not required.”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Hilliard	Preuitt	
Bennett	Dixon	Horn	Sanders	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Ellis			—25

Nays: —0

And said Bill, S. B. 548, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Barron	Denton	Hale	Mitchem
Bedford	Dial	Hand	Parsons
Bennett	Dixon	Hilliard	Preuitt
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis	Langford	Smith (B)
Corbett	Figures		

—25

Nay: Senator Amari —1

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 548.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 374, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Bennett	Dial	Horn	Rice
Bishop	Drinkard	Langford	Smith (B)
Cabaniss	Figures	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

FURTHER CONSIDERATION OF S. B. 374

The Senate proceeded to further consideration of the Bill, S. B. 374.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 374, to-wit:

SUBSTITUTE FOR S. B. 374

**A BILL
TO BE ENTITLED
AN ACT**

To amend Article VI, of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), Relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System, so as to provide that Extraordinary Disability Benefits shall not be paid to any participant who joins the system in or after July 1, 1988, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after July 1, 1988, the Board of Managers may waive the one year limitation and grant an application for Extraordinary

Disability Allowance if granted within thirty-six months after the incident resulting in such disability.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That Article VI, of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System, is hereby amended to add thereto a section to read in full as follows:

"Extraordinary Disability Allowance For Participants Joining the System On or After July 1, 1988.

In the event a Participant who joins the System on or after July 1, 1988, shall become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the Service and occurring at a definite time and place, then in the event such total disability shall continue until the Participant ceases to draw salary as an employee of the City such disabled Participant shall be entitled to a monthly allowance from the Fund equal to seventy percent (70%) of his monthly salary at the time of the accident which resulted in such total disability.

Benefits shall not be payable hereunder during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which other duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability. Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as such Participant is no longer disabled by such injury to perform his customary or other duties, substantially comparable duties, or a substitute job as described above. If, however, such disabled Participant should, during the continuation of such disability, be separated from the service of the City and should said disability cease to exist, the Board may, in its discretion, continue him on the disability rolls until such time as in the judgment of the Board he is able to find suitable employment at a rate of pay equal or in excess of his disability allowance. Section 8 Extraordinary Disability Allowance, shall not apply to persons who join the System on or after July 1, 1988.

Application for an extraordinary disability allowance must be made within twelve months after the accident resulting in such disability and if granted shall be granted within twelve months after the accident resulting in such disability, provided however, that for injuries occurring after July 1, 1988, the Board of Managers, in its sole discretion, may choose to waive this one year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability. Applications received thereafter shall not be considered and no extraordinary disability allowance shall be awarded with respect thereto.

Anything herein to the contrary notwithstanding, an Extraordinary Disability Allowance heretofore or hereafter granted shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any extraordinary disability beneficiary should become separated from the service and withdraw his contributions his right to

continuance of disability benefits shall immediately cease. This section shall apply only to those participants becoming members of the System on July 1, 1988, or thereafter."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Amari offered the following amendment to the substitute for the Bill, S. B. 374, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 374

Amend Senate Bill 374 on Page 4, Line 8 by inserting the following after the word "cease.":

"Notwithstanding other provisions of this Act, criteria for determining occupational disability shall be the same as that for employees covered under workman's compensation by the State of Alabama."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Bennett	Dial	Horn	Rice
Bishop	Drinkard	Langford	Smith (B)
Cabaniss	Figures	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

And said Bill, S. B. 374, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton
Amari	deGraffenried	Hilliard	Parsons
Bailey	Denton	Holmes	Preuitt
Bennett	Dial	Horn	Rice
Bishop	Drinkard	Langford	Smith (B)
Cabaniss	Figures	Manley	Smith (J)
Campbell	Hale		

—25

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 374.

BUDGET ISOLATION RESOLUTION

Senator Parsons, B. I. R., S. B. 496, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Preuitt	
Bennett	Dial	Horn	Rice	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Figures	Manley	Smith (J)	
Campbell	Hale			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 496. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

was taken up.

Senator Parsons offered the following amendment to the Bill, S. B. 496, to-wit:

AMENDMENT TO S. B. 496

On page 1, on line 24, after the word "Deputy" insert:
or the Assistant Sheriff, Bessemer Division

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Menton	
Amari	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Preuitt	
Bennett	Dial	Horn	Rice	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Figures	Manley	Smith (J)	
Campbell	Hale			—25

Nays:

—0

And said Bill, S. B. 496, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 1.

Yeas:

Senators:	deGraffenried	Hand	Menton	
Amari	Denton	Hilliard	Parsons	
Bailey	Dial	Holmes	Preuitt	
Bennett	Drinkard	Horn	Rice	
Bishop	Ellis	Langford	Smith (B)	
Campbell	Figures	Manley	Smith (J)	
Corbett	Hale			—25

Nay: Senator Cabaniss

—1

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On motion of Senator Parsons, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 496.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 536, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Amari	Denton	Hand	Parsons	
Barron	Dial	Hilliard	Rice	
Bedsole	Dixon	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Menton	Smith (J)	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 536. Relating to Jefferson County; authorizing the Director of Revenue, Commissioner of Licenses or License Inspector to issue boat licenses by mail and to allow an additional issuance fee to cover the expense of mailing such licenses.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Amari	Denton	Hand	Parsons	
Barron	Dial	Hilliard	Rice	
Bedsole	Dixon	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Menton	Smith (J)	
Cabaniss	Foshee			—25

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 536.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 557, adopted.

Yeas 25; Nays 2.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Rice	
Bedsole	Dixon	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Figures	Menton	Smith (J)	
Cabaniss	Foshee			—25

Nays:

Senators:

Amari

Parsons

—2

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 557. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain validly licensed manufacturers brewing malt or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed or malt liquors; to provide that certain manufacturers may also be wholesalers to sell said brewed or malt liquors, regardless of origination, to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

was taken up.

Senator Bennett offered the following substitute for the Bill, S. B. 557, to-wit:

SUBSTITUTE FOR S. B. 557**A BILL
TO BE ENTITLED
AN ACT**

To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain valid licensees of brewed malt beverages or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that the Alcoholic Beverage Control Board shall establish the said special license and fees therefor; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed beverages or malt liquors; to provide that certain manufacturers may also be licensed to sell said brewed beverages or malt liquors to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Notwithstanding any provision of Title 28, Code of Alabama 1975, as amended, or any other provisions of laws, whether local, general or special, relating to the regulation and sale of alcoholic beverages or brewed or malt liquors or spirituous or vinous liquors, in any Class 1 municipality, any person who holds a valid restaurant retail beer on-premises license and a valid manufacturer's license and who operates a restaurant, in such municipality which authorizes breweries of brewed beverages or malt liquor, may also brew and sell beer or malt liquors on premises or in contiguous licensed area for consumption on premises if such licensee also obtains and holds a special license allowing brewers to sell food and consume brewed beer or malt liquor on premises.

Section 2. Notwithstanding any provision of Title 28, Code of Alabama 1975, as amended, or any other provisions of laws, whether local, general or special, relating to the regulation and sale of alcoholic beverages or brewed

or malt liquor, beverages or beer, beer manufacturers in any Class 1 municipality, licensed pursuant to Section 1 of this act, may also sell beer and wine to consumers for consumption at a restaurant on the licensed premises or at a bona fide public eating place on the licensee's premises or at a bona fide public eating place on premises owned by the licensee which are contiguous to the licensed premises owned by the manufacturer, or which are contiguous to the licensed premises and which are operated by and for the manufacturer; or at a licensed retail grocery store or outlet for off-premises consumption.

Section 3. Any person licensed, pursuant to this act and engaged in brewing malt beverages at a single location, shall not exceed an amount equal to 5,000 kegs per annum. For the purpose of this subsection the term "keg" means 31 gallons.

Section 4. Any person licensed, pursuant to this act, shall be responsible for all applicable licenses and fees and reports prescribed by Title 28, Code of Alabama 1975, as amended.

Section 5. No person, manufacturer, officer, agent or other representative shall discourage or prohibit any vendor of the manufacturer from distributing such products to a licensed vendor or person also licensed as a manufacturer of malt beverage pursuant to this act.

Section 6. The Alcoholic Beverage Control Board shall establish a special license authorizing licensed brewers of brewed beer and malt beverages and shall set the state license fee therefor in the same manner as other alcoholic beverage license fees are established. This license shall not be sufficient for any other related activity.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed..

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsale	Dixon	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Menton	Smith (J)
Cabaniss	Foshee		

—25

Nays:

Senators:	Amari	Parsons
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—2

And said Bill, S. B. 557, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 2.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Menton	Smith (J)
Cabaniss	Foshee		

—25

Nays:

Senators:	Amari	Parsons	—2
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On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 557.

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 499, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn
Amari	Cabaniss	Goodwin	Langford
Bailey	Denton	Hale	Manley
Barron	Dial	Hand	Menton
Bedford	Dixon	Hilliard	Preuitt
Bedsole	Ellis	Holmes	Sanders
Bennett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 499. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn
Amari	Cabaniss	Goodwin	Langford
Bailey	Denton	Hale	Manley
Barron	Dial	Hand	Menton
Bedford	Dixon	Hilliard	Preuitt
Bedsole	Ellis	Holmes	Sanders
Bennett	Figures		

—25

Nays:

—0

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On motion of Senator Sanders, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 499.

THE BILL:

S. 656. To amend Section 1 of Act No. 85-557, H. 1028 of the 1985 Regular Session (Acts 1985, p. 856), authorizing the county governing body to levy a tax on tobacco products in DeKalb County, so as to provide further for the amount of such tax and the manner of levying such tax.

was taken up.

On motion of Senator Cabaniss, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 651, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Denton	Hale	Menton	
Barron	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Holmes	Rice	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 651. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Denton	Hale	Menton	
Barron	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Holmes	Rice	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

On motion of Senator Smith (J), Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 651.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 652, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Langford	
Amari	Campbell	Foshee	Manley	
Bailey	Denton	Hale	Menton	
Barron	Dial	Hilliard	Preuitt	
Bedford	Dixon	Holmes	Rice	
Bedsole	Drinkard	Horn	Sanders	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

was taken up.

Senator Campbell offered the following amendment to the Bill, S. B. 652, to-wit:

AMENDMENT TO S. B. 652

Amend S. B. 652, page 1, Section 1, line 26, after the word "of" by striking ~~nine (9)~~ and inserting in lieu thereof seven (7)

Further amend S. B. 652, page 1, Section 1, line 27, after (a) by striking ~~Three (3)~~ and inserting in lieu thereof Two (2)

Further amend S. B. 652, page 1, Section 1, lines 30 and 31, after the "(4) years" by striking the comma ; and inserting a period . and striking the remainder of sentence

Further amend S. B. 652, page 1, Section 1, line 32, after (b) by striking ~~Three (3)~~ and inserting in lieu thereof Two (2)

Further amend S. B. 652, page 2, Section 1, lines 2 and 3 by striking after the word "years" the comma ; and inserting a period . and striking the remainder of sentence

Further amend S. B. 652, page 2, Section 2, at the beginning of line 12, by striking ~~five percent (5%)~~ and inserting in lieu thereof eight percent (8%)

Further amend S. B. 652, page 2, Section 2, line 13, after the word "taxes" by adding the following: ,excluding the school and cities portion,

Further amend S. B. 652, page 2, Section 2, line 17, after the word "board" by adding the following sentence: Any grant funds shall be taken into account in meeting the formula mentioned in this section, however, in

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no event shall the amount be less than 5% of the county's TVA payments paid in lieu of taxes, excluding the school and cities portion.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Langford
Amari	Campbell	Foshee	Manley
Bailey	Denton	Hale	Menton
Barron	Dial	Hilliard	Preuitt
Bedford	Dixon	Holmes	Rice
Bedsole	Drinkard	Horn	Sanders
Bennett	Ellis		

—25

Nays:

—0

And said Bill, S. B. 652, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Langford
Amari	Campbell	Foshee	Manley
Bailey	Denton	Hale	Menton
Barron	Dial	Hilliard	Preuitt
Bedford	Dixon	Holmes	Rice
Bedsole	Drinkard	Horn	Sanders
Bennett	Ellis		

—25

Nays:

—0

On motion of Senator Hale, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 652.

THE BILL:

S. 531. Relating to DeKalb County; providing for an advisory referendum on the question of electing the county commissioners and the members of the county board of education from defined districts.

was taken up.

On motion of Senator Bishop, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 591, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Parsons
Amari	Denton	Hand	Preuitt
Bailey	Dial	Hilliard	Rice
Bedford	Dixon	Horn	Sanders
Bennett	Drinkard	Manley	Smith (B)
Bishop	Ellis	Mitchem	Smith (J)
Cabaniss	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 591. Relating to Fayette County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Parsons	
Amari	Denton	Hand	Preuitt	
Bailey	Dial	Hilliard	Rice	
Bedford	Dixon	Horn	Sanders	
Bennett	Drinkard	Manley	Smith (B)	
Bishop	Ellis	Mitchem	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 591.

THE BILL:

S. 592. Relating to DeKalb County; authorizing the County Board of Health to designate the services rendered by the County Board of Health for which a reasonable fee may be charged and set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

was taken up.

On motion of Senator Bishop, further consideration of the Bill was postponed subject to the call of the Chair.

THE BILL:

S. 605. Relating to DeKalb County; providing that certain county employees may be employed in the offices of certain elected county officials and providing that such employees shall be paid from the county general fund.

was taken up.

On motion of Senator Bishop, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 607, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Barron	deGraffenried	Hand	Mitchem
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Ellis	Horn	Smith (B)
Bishop	Foshee	Langford	Smith (J)
Cabaniss	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 607. To permit banks now or hereafter situated in Marshall County to establish, maintain and operate branch banks and branch offices within the limits of such county, except within the city limits of incorporated municipalities having a population of 5,000 or less in accord with the present or any subsequent federal decennial census and in which a bank is already established, to authorize the conduct of a general banking and trust business at such locations; and to repeal conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Barron	deGraffenried	Hand	Mitchem
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Ellis	Horn	Smith (B)
Bishop	Foshee	Langford	Smith (J)
Cabaniss	Goodwin		

—25

Nays: —0

On motion of Senator Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 607.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 615, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Hale	Menton
Barron	Denton	Hilliard	Mitchem
Bedsole	Dial	Holmes	Parsons
Bennett	Dixon	Horn	Smith (B)
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 615. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Hale	Menton	
Barron	Denton	Hilliard	Mitchem	
Bedsole	Dial	Holmes	Parsons	
Bennett	Dixon	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

On motion of Senator Smith (J), Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 615.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 658, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Amari	Dial	Hilliard	Preuitt	
Bailey	Ellis	Holmes	Rice	
Barron	Figures	Horn	Sanders	
Bedford	Foshee	Langford	Smith (B)	
Cabaniss	Goodwin	Manley	Smith (J)	
deGraffenried	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 658. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Amari	Dial	Hilliard	Preuitt	
Bailey	Ellis	Holmes	Rice	
Barron	Figures	Horn	Sanders	
Bedford	Foshee	Langford	Smith (B)	
Cabaniss	Goodwin	Manley	Smith (J)	
deGraffenried	Hale			—25

Nays: —0

On motion of Senator Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 658.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 618, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Barron	Corbett	Hilliard	Preuitt	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Sanders	
Bennett	Dial	Langford	Smith (B)	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 618. To authorize the Marshall County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Barron	Corbett	Hilliard	Preuitt	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Sanders	
Bennett	Dial	Langford	Smith (B)	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

On motion of Senator Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 618.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 659, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Barron	Corbett	Hilliard	Preuitt	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Sanders	
Bennett	Dial	Langford	Smith (B)	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 659. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Barron	Corbett	Hilliard	Preuitt	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Sanders	
Bennett	Dial	Langford	Smith (B)	
Bishop	Dixon	Manley	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

On motion of Senator Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 659.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 665, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Denton	Goodwin	Menton
Bedford	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 665. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Amari	Corbett	Foshee	Manley
Bailey	Denton	Goodwin	Menton
Bedford	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis		

—25

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 665.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 666, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Denton	Goodwin	Menton	
Bedford	Dial	Hale	Preuitt	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard	Horn	Sanders	
Cabaniss	Ellis			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 666. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford	
Amari	Corbett	Foshee	Manley	
Bailey	Denton	Goodwin	Menton	
Bedford	Dial	Hale	Preuitt	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard	Horn	Sanders	
Cabaniss	Ellis			—25

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 666.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 667, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley	
Amari	Corbett	Hand	Menton	
Bailey	Denton	Hilliard	Parsons	
Bedford	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Rice	
Bishop	Drinkard	Langford	Sanders	
Cabaniss	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 667. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Amari	Corbett	Hand	Menton
Bailey	Denton	Hilliard	Parsons
Bedford	Dial	Holmes	Preuitt
Bennett	Dixon	Horn	Rice
Bishop	Drinkard	Langford	Sanders
Cabaniss	Ellis		

—25

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 667.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 668, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Holmes	Parsons
Bedford	Dixon	Horn	Preuitt
Bennett	Foshee	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale	Menton	Smith (B)
Campbell	Hand	Mitchem	Smith (J)
deGraffenried	Hilliard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 668. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Holmes	Parsons	
Bedford	Dixon	Horn	Preuitt	
Bennett	Foshee	Langford	Rice	
Bishop	Goodwin	Manley	Sanders	
Cabaniss	Hale	Menton	Smith (B)	
Campbell	Hand	Mitchem	Smith (J)	
deGraffenried	Hilliard			—25

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 668.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 621, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons	
Bailey	Drinkard	Horn	Preuitt	
Barron	Ellis	Langford	Rice	
Bedsole	Figures	Manley	Sanders	
Bishop	Foshee	Menton	Smith (B)	
Campbell	Hale	Mitchem	Smith (J)	
Dial	Hilliard			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 621. Relating to Morgan County; to authorize and regulate the issuance of motor vehicle license tags, boat licenses, and business licenses by mail; to authorize a fee for such services; to authorize periodic mailing of notices for renewal of said licenses and tags; and to specifically repeal and supersede Act No. 641, S. 657, 1969 Regular Session (Acts 1969, p. 1171).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons	
Bailey	Drinkard	Horn	Preuitt	
Barron	Ellis	Langford	Rice	
Bedsole	Figures	Manley	Sanders	
Bishop	Foshee	Menton	Smith (B)	
Campbell	Hale	Mitchem	Smith (J)	
Dial	Hilliard			—25

Nays: —0

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BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 687, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Bailey	deGraffenried	Foshee	Manley
Bedford	Denton	Goodwin	Menton
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 687. Relating to Henry County; to authorize the Henry County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Langford
Bailey	deGraffenried	Foshee	Manley
Bedford	Denton	Goodwin	Menton
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Horn	Sanders
Cabaniss	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 716, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons
Barron	Dixon	Hand	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bennett	Ellis	Manley	Sanders
Bishop	Figures	Menton	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
Denton	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 716. To propose an amendment to the Constitution of Alabama of 1901, to authorize the county commission or the governing body of any municipality in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 716, to-wit:

SUBSTITUTE FOR H. B. 716**A BILL
TO BE ENTITLED
AN ACT**

To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

The governing body of the City of Anniston in Calhoun County is hereby authorized to appropriate the sum of \$35,000.00 (thirty-five thousand dollars) from public funds on a one-time basis only to the East Alabama United Cerebral Palsy Center for the cost of its complex at the Jaycee Park.

Section 2. The provisions of this amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment is ordered to be held at the next general, special, constitutional or county election in Calhoun County. The election shall be held in accordance with the provisions of Amendment 425 to the Constitution of 1901, and the general election laws of this state.

Which was adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons
Barron	Dixon	Hand	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bennett	Ellis	Manley	Sanders
Bishop	Figures	Menton	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
Denton	Goodwin		

—25

Nays: —0

And said Bill, H. B. 716, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons
Barron	Dixon	Hand	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bennett	Ellis	Manley	Sanders
Bishop	Figures	Menton	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
Denton	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 743, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Amari	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Preuitt
Bishop	Figures	Horn	Rice
Campbell	Foshee	Langford	Sanders
deGraffenried	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 743. Relating to the twenty-fourth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Amari	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Preuitt
Bishop	Figures	Horn	Rice
Campbell	Foshee	Langford	Sanders
deGraffenried	Goodwin		

—25

Nays: —0

THE BILL:

H. 857. Relating to Randolph County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was taken up.

On motion of Senator Bishop, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 784, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedsole	Dixon	Langford	Rice
Bennett	Drinkard	Manley	Sanders
Bishop	Ellis	Menton	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
Campbell	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 784. Relating to Coffee County; providing an expense allowance for members of the board of equalization; and providing for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedsole	Dixon	Langford	Rice
Bennett	Drinkard	Manley	Sanders
Bishop	Ellis	Menton	Smith (B)
Cabaniss	Foshee	Mitchem	Smith (J)
Campbell	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 857, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn	
Amari	Cabaniss	Goodwin	Langford	
Bailey	Campbell	Hale	Manley	
Barron	Dial	Hand	Menton	
Bedford	Drinkard	Hilliard	Rice	
Bedsole	Ellis	Holmes	Sanders	
Bennett	Figures			—25

Nays: —0

FURTHER CONSIDERATION OF H. B. 857

The Senate proceeded to further consideration of the Bill, H. B. 857.

And said Bill, H. B. 857, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn	
Amari	Cabaniss	Goodwin	Langford	
Bailey	Campbell	Hale	Manley	
Barron	Dial	Hand	Menton	
Bedford	Drinkard	Hilliard	Rice	
Bedsole	Ellis	Holmes	Sanders	
Bennett	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 787, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bennett	Foshee	Langford	Rice	
Campbell	Goodwin	Manley	Sanders	
Corbett	Hale	Menton	Smith (B)	
Dial	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 787. Relating to Cherokee County; authorizing the county board of health to designate the services rendered by the county board of health for

which a reasonable fee may be charged and to set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bennett	Foshee	Langford	Rice	
Campbell	Goodwin	Manley	Sanders	
Corbett	Hale	Menton	Smith (B)	
Dial	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 793, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedford	Dial	Hilliard	Mitchem	
Bedsole	Dixon	Holmes	Preuitt	
Bennett	Drinkard	Horn	Rice	
Bishop	Ellis	Langford	Sanders	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 793. Relating to Coffee County; amending Section 4 of Act No. 87-337, H. 392, 1987 Regular Session (Acts 1987, p. 491), which levies a county privilege, license or excise tax on tobacco and certain tobacco products and provides for the distribution of said proceeds for county fire protection, so as to authorize the county commission to enter into a service contract to provide county fire protection with one association composed of volunteer fire departments and municipally funded fire departments; providing for the distribution of compensation paid to such association for services rendered; authorizing such association to require certain standards and criteria for its members and to deny funds to noncomplying members; and providing for retroactive effect.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley
Barron	Denton	Hand	Menton
Bedford	Dial	Hilliard	Mitchem
Bedsole	Dixon	Holmes	Preuitt
Bennett	Drinkard	Horn	Rice
Bishop	Ellis	Langford	Sanders
Cabaniss	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., H. B. 957, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Holmes
Barron	Corbett	Foshee	Horn
Bedford	Denton	Goodwin	Manley
Bedsole	Dial	Hale	Mitchem
Bennett	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 957. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Holmes
Barron	Corbett	Foshee	Horn
Bedford	Denton	Goodwin	Manley
Bedsole	Dial	Hale	Mitchem
Bennett	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 20, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Amari	Denton	Goodwin	Parsons
Barron	Dial	Hale	Rice
Bedford	Dixon	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Manley	Smith (J)
Corbett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 20. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Menton
Barron	Dial	Hale	Parsons
Bedford	Dixon	Hand	Rice
Bennett	Drinkard	Hilliard	Sanders
Cabaniss	Ellis	Horn	Smith (B)
Corbett	Figures	Manley	Smith (J)
deGraffenried	Foshee		

—25

Nay: Senator Amari

—1

On motion of Senator Horn, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 20.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., S. B. 369, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Amari	Denton	Goodwin	Parsons
Barron	Dial	Hale	Rice
Bedford	Dixon	Hilliard	Sanders
Bennett	Drinkard	Horn	Smith (B)
Cabaniss	Ellis	Manley	Smith (J)
Corbett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 369. Relating to Class 1 municipalities; to exempt such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Parsons
Amari	Dial	Hale	Preuitt
Barron	Dixon	Hilliard	Rice
Bennett	Drinkard	Horn	Sanders
Cabaniss	Ellis	Manley	Smith (B)
Corbett	Figures	Mitchem	Smith (J)
deGraffenried	Foshee		

—25

Nays: —0

On motion of Senator Horn, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 369.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 673, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	Corbett	Goodwin	Parsons
Bailey	deGraffenried	Hand	Preuitt
Barron	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bishop	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 673. Relating to Mobile County; to provide further for the City of Richard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired

employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Sanders	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Drinkard			— 25

Nays: — 0

On motion of Senator Figures, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 673.

RESOLUTION

Senator Foshee requested and received unanimous consent to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 205. HONORING AUBURN UNIVERSITY AND THE UNIVERSITY OF ALABAMA FOR RESOLVING THE DILEMMA CONCERNING THE LOCATION OF THE ANNUAL IRON BOWL CLASSIC.

WHEREAS, the Alabama Legislature takes great pride in noting the recent solution achieved by two of our state's foremost institutions; and

WHEREAS, since 1948, when the series was renewed, the annual "Iron Bowl Classic" played between the University of Alabama and Auburn University has been held at Legion Field in Birmingham; and

WHEREAS, since the renovation of Jordan-Hare Stadium at Auburn, the seating capacity has been boosted beyond that of Legion Field and has made the stadium a viable alternative as the site of the game; and

WHEREAS, until a settlement was reached last week, a prolonged and at times volatile dispute over where the Alabama-Auburn football game will be played threatened to distract the members of the respective boards of trustees of the institutions from clearly more important matters; and

WHEREAS, after several years of meaningful dialogue, a settlement was announced last week which nails down the location of the game and allows Auburn to move the game to Jordan-Hare Stadium in 1989; after 1991, the "home team" will determine the location at which the game will be played; and

WHEREAS, this classic and traditional rivalry has consistently provided the citizens of our state with truly fine, entertaining and too-close-to-call football games; and

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WHEREAS, at no time was the game more intense than under the leaderships of Coach Paul "Bear" Bryant at Alabama and Coach Ralph "Shug" Jordan at Auburn—two of the most memorable coaches in the history of football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate the members of the Boards of Trustees of the University of Alabama and Auburn University for their diligent efforts in resolving a potentially unpleasant problem and for arriving at a solution which will benefit all Alabamians and there is hereby established a State Legislative Highway Commission composed of fourteen members of each house, two from each congressional district and elected by the members of each house to approve all long-range plans and programs of the Highway Department, including access and egress from football stadiums. No public monies in any road or bridge project shall be expended by the Highway Department without approval by the Commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the trustees of both institutions that they may know of our high esteem and warmest personal regard.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bedsole moved that the Senate reconsider the vote by which the Resolution, S. J. R. 205, was adopted.

On motion of Senator Foshee, the motion to reconsider was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 408. MOURNING THE DEATH OF MRS. MARIE WALKER OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 410. NOTING WITH COMMENDATION THE ANNIVERSARY CELEBRATIONS OF THE CHOCCOLOCCO COMMUNITY.

Also:

H. J. R. 412. COMMENDING NIKKI TINKER OF GADSDEN, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 413. COMMENDING GLADYS MARONA OF GADSDEN, ALABAMA, ON BEING NOMINATED FOR THE ALABAMA EDUCATIONAL LEADERSHIP HALL OF FAME.

Also:

H. J. R. 414. COMMENDING THE OPELIKA HIGH SCHOOL BAND FOR EXTRAORDINARY ACHIEVEMENT.

Also:

H. J. R. 416. COMMENDING TECHTRIX, INC., GADSDEN, ALABAMA, FOR ITS INNOVATIVE ENVIRONMENTAL AND ENERGY EFFICIENT TECHNOLOGY.

Also:

H. J. R. 419. MOURNING THE DEATH OF THE REVEREND SOLOMON SNOWDEN SEAY OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 421. COMMENDING MACK MAPLES OF LIMESTONE COUNTY, ALABAMA.

Also:

H. J. R. 428. COMMENDING FRED DONALDSON OF ENTERPRISE, ALABAMA, FOR DISTINGUISHED ACHIEVEMENT AND SERVICE.

Also:

H. J. R. 430. DESIGNATING APRIL 30, 1988, AS "DAUPHIN ISLAND DAY" IN ALABAMA.

Also:

H. J. R. 431. CONGRATULATING MR. MARK LYONS, JR., ON THE OCCASION OF HIS 80TH BIRTHDAY.

Also:

H. J. R. 367. A RESOLUTION COMMENDING THE ALABAMA LEADERSHIP NETWORK FOR ITS BEING THE FIRST SUCH ORGANIZATION IN THE SOUTH, AND TO DESIGNATE OCTOBER 28, 1988, AS A-TEAM DAY IN ALABAMA.

Also:

H. J. R. 368. RECOGNIZING THE 1988 MOST OUTSTANDING STUDENTS IN THE ALABAMA COLLEGE SYSTEM.

Also:

H. J. R. 373. WELCOMING OUR DISTINGUISHED VISITORS FROM THE PEOPLES REPUBLIC OF CHINA.

Also:

H. J. R. 375. CONGRATULATING COACH BILLY HAMILTON AND THE GROVE HILL ACADEMY REBELS ON THE 1987 APSA CLASS 1A FOOTBALL CHAMPIONSHIP.

Also:

H. J. R. 376. COMMENDING THE GADSDEN STATE COMMUNITY COLLEGE BOYS BASKETBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

Also:

H. J. R. 381. COMMENDING JEAN RUSSELL, ALICEVILLE CHAMBER OF COMMERCE "CITIZEN OF THE YEAR" FOR 1988.

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Also:

H. J. R. 387. COMMENDING BRYANT MELTON, JR., OF TUSCALOOSA, ALABAMA.

Also:

H. J. R. 388. COMMENDING CHARLES JOHNSON DUNN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 392. COMMENDING THE STAFF MEMBERS OF THE LEGISLATURE FOR THEIR UNTIRING SERVICE AND DEVOTION TO DUTY.

Also:

H. J. R. 394. MOURNING THE DEATH OF PHILIP T. MAY OF BREWTON, ALABAMA.

Also:

H. J. R. 396. EXPRESSING REGRETS AT THE ILLNESS OF W. ERIC RODAWIG AND EXTENDING HIM BEST WISHES FOR A RECOVERY.

Also:

H. J. R. 397. DESIGNATING A PORTION OF I-59 IN BIRMINGHAM, ALABAMA, AS THE "GEORGE SEIBELS HIGHWAY."

Also:

H. J. R. 348. MOURNING THE DEATH OF JONNA TURNER OF CITRONELLE, ALABAMA.

Also:

H. J. R. 349. COMMENDING THE ALABAMA JOURNAL FOR DISTINGUISHED ACHIEVEMENT.

Also:

H. J. R. 350. COMMENDING ROY C. WHITE FOR DISTINGUISHED SERVICE TO THE FAIRHOPE CITY COUNCIL AND THE COMMUNITY.

Also:

H. J. R. 351. COMMENDING FAIRHOPE CITY COUNCILMAN, DAVID ED BISHOP, FOR DISTINGUISHED COMMUNITY SERVICE.

Also:

H. J. R. 352. MOURNING THE DEATH OF JAMES L. MAY, JR., OF MOBILE, ALABAMA.

Also:

H. J. R. 353. CONGRATULATING MR. AND MRS. MCKINNELY CHAMBERS ON THE OCCASION OF THEIR 63RD WEDDING ANNIVERSARY.

Also:

H. J. R. 359. CONGRATULATING MR. AND MRS. SAMUEL A. GRAY, SR., ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 362. COMMENDING FLOYD L. DONALD OF GADSDEN, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 365. COMMENDING MRS. CORDELIA LEWIS ON HER 86TH BIRTHDAY.

Also:

H. J. R. 366. COMMENDING DAVID E. RENNEKAMP OF COOSADA, ALABAMA.

Also:

H. J. R. 406. WELCOMING THE HOOPER CITY ALUMNI ASSOCIATION TO THE CITY OF BIRMINGHAM, ALABAMA, FOR ITS BIENNIAL REUNION, AUGUST 10-14.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 228. TO HELP KEEP ALABAMA BEAUTIFUL BY REMOVING TRASH FROM ALABAMA HIGHWAYS AND STREETS USING, WHERE POSSIBLE PRISON LABOR AND BY PLANTING CRIMSON CLOVER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 127. Relating to St. Clair County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 164. Relating to any municipality located in Tuscaloosa County; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain full-time paid fire fighters.

Also:

H. 399. Relating to Walker County; approving an increase of the three mill district ad valorem school tax levied pursuant to Amendment No. 3 to the Constitution of Alabama of 1901 by eight mills to eleven mills, all in accordance with Amendment No. 373 to said Alabama Constitution; such additional eight mill tax to be levied and collected by the governing body of Walker County for each year beginning with the levy for the tax year ending September 30, 1989 (the tax for which year will be due and payable October 1, 1989), and ending with the levy for the tax year ending September 30, 1997 (the tax for which year will be due and payable October 1, 1997), for public school purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the Walker County School District (consisting of all of Walker County except the City of Carbon Hill and the City of Jasper school districts), in said County at a special election called and held in accordance with the laws governing special elections.

Also:

H. 659. To amend Section 2 of Act No. 722, H. 1708, 1973 Regular Session (Acts 1973, p. 1079), pertaining to levying and collecting assessments on forestlands in Bibb County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 682. Relating to Walker County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Sipsey in Walker County, Alabama.

Also:

H. 732. Relating to law enforcement in Butler County; to repeal Act No. 566, H. 1299 of the 1977 Regular Session of the Legislature (1977 Acts, p. 746) entitled "An Act to expressly repeal Act No. 818, 1975 Regular Session (Acts of 1975, p. 1644) and Act No. 327, 1976 Regular Session (Acts of 1976, p. 360 and 361). To further provide that all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of pistol permits by the sheriff and providing for the distribution and use of such fees, providing for the deposit of the funds from the pistol permits and for the use of such funds," so as to increase the annual pistol permit fee to \$10.00; and to provide for the distribution of the revenue derived therefrom into the sheriff's fund and into the county general fund.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 434. CONGRATULATING THE ALICEVILLE HIGH SCHOOL YELLOW JACKETS GIRLS' BASKETBALL TEAM ON THEIR OUTSTANDING 1988 BASKETBALL SEASON.

Also:

H. J. R. 435. CONGRATULATING LISA MCMULLENS OF ALICEVILLE HIGH SCHOOL ON THE OUTSTANDING 1988 BASKETBALL SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 621. Relating to Morgan County; to authorize and regulate the issuance of motor vehicle license tags, boat licenses, and business licenses by mail; to authorize a fee for such services; to authorize periodic mailing of notices for renewal of said licenses and tags; and to specifically repeal and supersede Act No. 641, S. 657, 1969 Regular Session (Acts 1969, p. 1171).

Also:

H. 687. Relating to Henry County; to authorize the Henry County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 743. Relating to the twenty-fourth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 669, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nay:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 669. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama, First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays:

—0

On motion of Senator Figures, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 669.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., H. B. 432, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Menton	Smith (B)
Bishop	Drinkard	Mitchem	Smith (J)
Cabaniss	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 432. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class II municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class II municipalities in the State of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Menton	Smith (B)	
Bishop	Drinkard	Mitchem	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 433, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 433. Relating to Mobile County providing a supplement for the Supernumerary Clerks and the Register of the Circuit Court of the Thirteenth Judicial Circuit, State of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

RESOLUTION

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 206. COMMENDING TIM BYRD OF BIRMINGHAM, ALABAMA, ON ATTAINING THE RANK OF EAGLE SCOUT.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 752, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 752. Relating to Mobile County; to provide that the license commissioner shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the license commissioner may charge an additional \$1.00 to the boat owner for each such certificate issued by mail.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

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BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 891, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 891. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 781, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 781. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 904, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons	
Amari	Corbett	Hand	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Horn	Sanders	
Bedsole	Dixon	Langford	Smith (B)	
Bishop	Drinkard	Menton	Smith (J)	
Cabaniss	Figures			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 904. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class V municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class V municipalities in the State of Alabama.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	Corbett	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 663, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Barron	deGraffenried	Goodwin	Menton
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Parsons
Bennett	Drinkard	Horn	Preuitt
Bishop	Ellis	Langford	Sanders
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 663. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Barron	deGraffenried	Goodwin	Menton
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hand	Parsons
Bennett	Drinkard	Horn	Preuitt
Bishop	Ellis	Langford	Sanders
Cabaniss	Figures		

—25

Nays: —0

On motion of Senator Sanders, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 663.

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 257, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedsole	Dial	Hilliard	Mitchem	
Bennett	Dixon	Holmes	Parsons	
Bishop	Drinkard	Horn	Preuitt	
Cabaniss	Ellis	Langford	Sanders	
Campbell	Figures			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 257. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedsole	Dial	Hilliard	Mitchem	
Bennett	Dixon	Holmes	Parsons	
Bishop	Drinkard	Horn	Preuitt	
Cabaniss	Ellis	Langford	Sanders	
Campbell	Figures			—25
<i>Nays:</i>				—0

On motion of Senator Sanders, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 257.

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., S. B. 670, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Manley	
Bedsole	Dial	Hale	Menton	
Bennett	Dixon	Hand	Preuitt	
Bishop	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (J)	
Campbell	Figures			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 670. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Barron	Denton	Goodwin	Manley
Bedsole	Dial	Hale	Menton
Bennett	Dixon	Hand	Preuitt
Bishop	Drinkard	Hilliard	Sanders
Cabaniss	Ellis	Holmes	Smith (J)
Campbell	Figures		

—25

Nays: —0

On motion of Senator Sanders, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 670.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 672, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons
Bedford	Ellis	Horn	Preuitt
Bennett	Foshee	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale	Menton	Smith (B)
Campbell	Hand	Mitchem	Smith (J)
Dial	Hilliard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 672. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons	
Bedford	Ellis	Horn	Preuitt	
Bennett	Foshee	Langford	Rice	
Bishop	Goodwin	Manley	Sanders	
Cabaniss	Hale	Menton	Smith (B)	
Campbell	Hand	Mitchem	Smith (J)	
Dial	Hilliard			—25

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 672.

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 756, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Amari	Dial	Hale	Manley	
Bailey	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Parsons	
Bennett	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Sanders	
Cabaniss	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 756. Relating to Sumter County; providing for an additional expense allowance and travel allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford	
Amari	Dial	Hale	Manley	
Bailey	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Parsons	
Bennett	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Sanders	
Cabaniss	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 656, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem
Amari	Dial	Hilliard	Preuitt
Barron	Ellis	Holmes	Rice
Bedsole	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Cabaniss	Hale		

—25

Nays: —0

FURTHER CONSIDERATION OF S. B. 656

The Senate proceeded to further consideration of the Bill, S. B. 656.

And said Bill, S. B. 656, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem
Amari	Dial	Hilliard	Preuitt
Barron	Ellis	Holmes	Rice
Bedsole	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Cabaniss	Hale		

—25

Nays: —0

On motion of Senator Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 656.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 531, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem
Amari	Dial	Hilliard	Preuitt
Barron	Ellis	Holmes	Rice
Bedsole	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Cabaniss	Hale		

—25

Nays: —0

FURTHER CONSIDERATION OF S. B. 531

The Senate proceeded to further consideration of the Bill, S. B. 531.

And said Bill, S. B. 531, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Amari	Dial	Hilliard	Preuitt	
Barron	Ellis	Holmes	Rice	
Bedsole	Figures	Horn	Sanders	
Bennett	Foshee	Langford	Smith (B)	
Bishop	Goodwin	Manley	Smith (J)	
Cabaniss	Hale			—25

Nays: —0

On motion of Senator Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 531.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 592, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Amari	Dial	Hilliard	Preuitt	
Barron	Ellis	Holmes	Rice	
Bedsole	Figures	Horn	Sanders	
Bennett	Foshee	Langford	Smith (B)	
Bishop	Goodwin	Manley	Smith (J)	
Cabaniss	Hale			—25

Nays: —0**FURTHER CONSIDERATION OF S. B. 592**

The Senate proceeded to further consideration of the Bill, S. B. 592.

And said Bill, S. B. 592, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem	
Amari	Dial	Hilliard	Preuitt	
Barron	Ellis	Holmes	Rice	
Bedsole	Figures	Horn	Sanders	
Bennett	Foshee	Langford	Smith (B)	
Bishop	Goodwin	Manley	Smith (J)	
Cabaniss	Hale			—25

Nays: —0

On motion of Senator Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 592.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 605, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Mitchem
Amari	Dial	Hilliard	Preuitt
Barron	Ellis	Holmes	Rice
Bedsole	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Cabaniss	Hale		

—25

Nays: —0

FURTHER CONSIDERATION OF S. B. 605

The Senate proceeded to further consideration of the Bill, S. B. 605.

And said Bill, S. B. 605, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Senators:	Campbell	Hand	Mitchem
Amari	Denton	Hilliard	Preuitt
Barron	Ellis	Holmes	Rice
Bedsole	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop	Goodwin	Manley	Smith (J)
Cabaniss	Hale		

—25

Nays: —0

Abstaining: Senator Dial —1

On motion of Senator Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 605.

BUDGET ISOLATION RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., S. B. 514, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Hale	Menton
Bailey	Dixon	Hilliard	Mitchem
Bedford	Drinkard	Holmes	Preuitt
Bishop	Foshee	Langford	Sanders
Campbell	Goodwin	Manley	Smith (J)
Denton			

—20

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 514. To provide that any Class 8 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Hale	Menton	
Bailey	Dixon	Hilliard	Mitchem	
Barron	Drinkard	Holmes	Preuitt	
Bedford	Foshee	Langford	Sanders	
Bedsole	Goodwin	Manley	Smith (J)	
Denton				—20

Nays: —0

On motion of Senator Denton, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 514.

BUDGET ISOLATION RESOLUTION

Senator Denton then requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Denton, B. I. R., S. B. 515, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Mitchem	
Bailey	Drinkard	Holmes	Preuitt	
Bedsole	Foshee	Langford	Sanders	
Bennett	Goodwin	Manley	Smith (B)	
Campbell	Hale	Menton	Smith (J)	
Denton				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 515. To provide that any Class 7 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Hale	Mitchem	
Bailey	Denton	Hilliard	Sanders	
Barron	Dial	Langford	Smith (B)	
Bennett	Drinkard	Manley	Smith (J)	
Campbell	Goodwin	Menton		—18

Nays: —0

On motion of Senator Denton, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. 515.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 312, adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Bennett	Goodwin	Mitchem	
Amari	Bishop	Hale	Preuitt	
Bailey	Campbell	Holmes	Sanders	
Barron	Denton	Langford	Smith (B)	
Bedford	Dial	Manley	Smith (J)	
Bedsole	Drinkard	Menton		—22

Nay: Senator Parsons —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 312. To provide that any law enforcement officer acting in good faith and exercising due care in the making of an arrest pursuant to a domestic relations disturbance shall be immune from any civil liability.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Menton	
Amari	Campbell	Goodwin	Mitchem	
Bailey	Corbett	Hale	Parsons	
Barron	Dial	Hilliard	Preuitt	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Ellis	Langford	Smith (B)	
Bennett	Figures	Manley	Smith (J)	—27

Nays: —0

On motion of Senator Bedsole, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 312.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 4, adopted.

Yeas 22; Nays 2.

Abstaining 1.

Yeas:

Senators:	Bishop	Goodwin	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Figures	Langford	Smith (J)	
Bennett	Foshee	Manley		—22

Nays:

Senators:	Amari	Ellis	—2
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Abstaining: Senator Dial —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 4. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 4, to-wit:

SUBSTITUTE FOR S. B. 4

A BILL TO BE ENTITLED AN ACT

To provide a salary increase for certain state employees and to appropriate funds therefor; to provide a conditional salary increase; to provide the

conditions prior to the granting of the conditional salary increase hereby authorized; and to appropriate such additional funds as may be necessary to pay the additional conditional increase for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning on October 1, 1988, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 3 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 3 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 5% salary increase. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purposes of paying the salary increase for state employees and officials. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. The provisions of this bill shall not apply to any local employee whose salary is tied to that of any state employee.

Section 2. In addition to the salary increase provided for in Section 1 hereof, beginning on October 1, 1988, and payable in a quarterly lump sum, all state employees listed in Section 1 hereof shall receive a conditional increase in their salaries or compensation up to 2%, as provided for herein. The amount of the conditional appropriation shall be determined during any quarter of the fiscal year, conditional upon the condition of the state treasury and upon the State Budget Officer's determination that funds otherwise appropriated and/or any additional monies in the state treasury are available to pay such conditional increase. The amount of such conditional increase up to 2% shall be determined by the State Budget Officer on the basis of the percent of increase which can be paid and supported by the monies otherwise appropriated to and among the same departments, boards, bureaus, commissions, agencies, offices or institutions for fiscal year 1988-89 and/or the condition of the state treasury as provided in this Act. It is the intention of the Legislature that the Governor be, and he is hereby authorized to, transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the additional conditional salary increase for state employees and officials. Any additional conditional salary increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. In the event the entitlement for one quarter is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available. It is further provided that no state employee or other person covered under the provisions of this Act shall receive such conditional salary increase unless the conditional salary increase is granted to all state employees or persons covered under the provisions of this Act equally and sufficient funds are

certified as being available on an equal basis by the Governor for all state employees or other persons covered under the provisions of this Act.

Section 3. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to the Lieutenant Governor or his staff, nor to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1988 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1988 Regular or Special sessions of the legislature.

Section 4. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to legislative employees, the secretary of the senate for senate employees, the clerk of the house of representatives for house employees, the director of the Legislative Reference Service for Legislative Reference Service employees, and the director of the Legislative Fiscal Office for Legislative Fiscal Office employees shall revise the schedule or rates set forth in the pay plan for such legislative employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 5. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1988, from such funds as the salaries of the several state employees are paid.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective on September 10, 1988, with the first payment on October 7, 1988 for all state officials and employees covered by this Act who are paid bi-weekly, and effective on October 1, 1988, for all state officials and employees covered by this Act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

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Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Hale	Mitchem	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Denton	Holmes	Sanders	
Bedsole	Drinkard	Horn	Smith (J)	
Bennett	Figures	Langford		—26

Nays: —0

And said Bill, S. B. 4, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	deGraffenried	Goodwin	Mitchem	
Bailey	Denton	Hale	Parsons	
Bedford	Dial	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Sanders	
Bishop	Ellis	Langford	Smith (J)	
Campbell	Figures	Manley		—26

Nays: —0

Senator Bedford moved that the Senate reconsider the vote by which the Bill, S. B. 4, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 4.

FURTHER CONSIDERATION OF H. B. 434

The Senate proceeded to further consideration of the Bill, H. B. 434.

And said Bill, H. B. 434, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Amari	Corbett	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hilliard	Preuitt	
Bedsole	Drinkard	Holmes	Sanders	
Bennett	Ellis	Horn	Smith (B)	
Bishop	Figures	Langford	Smith (J)	—27

Nays: —0

BILL RECONSIDERED

On motion of Senator Horn, the Senate reconsidered the vote by which the Bill, S. B. 20, was passed.

On motion of Senator Horn, the Senate reconsidered the vote by which the Bill, S. B. 20, was ordered to its third reading.

Senator Horn then offered the following amendment to the Bill, S. B. 20, to-wit:

AMENDMENT TO S. B. 20

On page 2, delete lines 16 through 25 in their entirety and insert in lieu thereof:

selected as follows: two members selected by the House of Representatives members representing the county in which the city of the authority is located, approved by a majority vote of the members of the House comprising said county delegation; and two members selected by the Alabama Senate members representing the county in which the city of the authority is located, approved by a majority vote of the members of the Senate composing said county delegation. The term for each such member shall be concurrent with the appointing authority. The incumbent of a directorship may be

On page 2, on line 31, after the language "legislative" insert the following:
appointed

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hale	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Corbett	Figures			—25

Nays: —0

And said Bill, S. B. 20, as thus amended, was again read a third time and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Amari	Denton	Goodwin	Parsons	
Barron	Dial	Hale	Rice	
Bedford	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Manley	Smith (J)	
Corbett	Figures			—25

Nays: —0

On motion of Senator Horn, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 20.

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MOTION TO ADJOURN LOST

At 5:47 P.M., Senator Parsons moved that the Senate adjourn until Tuesday, April 26, 1988, at 12 o'clock Noon, which motion was lost.

Yeas 5; Nays 20.

Yeas:

Senators:	Bishop	Parsons	Smith (B)	
Bedford	Figures			—5

Nays:

Senators:	Campbell	Drinkard	Hand	
Amari	Corbett	Ellis	Holmes	
Bailey	deGraffenried	Foshee	Menton	
Bedsole	Denton	Goodwin	Preuitt	
Bennett	Dixon	Hale	Smith (J)	
Cabaniss				—20

BUDGET ISOLATION RESOLUTION

Senator Bishop, B. I. R., S. B. 522, adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedford	Denton	Hale	Preuitt	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard	Holmes	Smith (J)	
Bishop				—24

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 522. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 1.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Amari	Campbell	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	—27

Nay: Senator Corbett —1

On motion of Senator Bishop, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 522.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 521, adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Amari	Campbell	Figures	Menton	
Bailey	deGraffenried	Foshee	Mitchem	
Bedford	Denton	Goodwin	Rice	
Bedsole	Dixon	Hale	Smith (B)	
Bennett	Drinkard	Holmes	Smith (J)	
Bishop				—24

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 521. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Senators:	Bishop	Drinkard	Manley	
Amari	Cabaniss	Ellis	Menton	
Bailey	Campbell	Figures	Mitchem	
Bedford	deGraffenried	Goodwin	Rice	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon	Holmes		—22

Nay: Senator Corbett —1

On motion of Senator Manley, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 521.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 27, adopted.

REGULAR SESSION
27th Day

1687

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton
Amari	Denton	Hale	Mitchem
Bedford	Dial	Hand	Preuitt
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Langford	Sanders
Bishop	Figures	Manley	Smith (J)
Cabaniss	Foshee		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 27. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley
Amari	Corbett	Foshee	Menton
Bedford	Denton	Goodwin	Mitchem
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon	Hand	Rice
Bishop	Drinkard	Holmes	Smith (J)
Cabaniss	Ellis	Langford	

—26

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 114, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Foshee	Manley
Bedsole	Dial	Goodwin	Menton
Bennett	Dixon	Hale	Preuitt
Bishop	Drinkard	Hand	Rice
Cabaniss	Ellis	Holmes	Smith (J)
Campbell			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights under this bill to executors and administrators; to characterize the rights of redemption under this bill; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements are ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed; and when a right to redeem does not exist. This act applies only to mortgages foreclosed on or after the effective date of this Act which is January 1, 1989. The bill further repeals Alabama Code Sections 6-5-230 through 6-5-246 as amended.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 114, to-wit:

SUBSTITUTE FOR H. B. 114**A BILL
TO BE ENTITLED
AN ACT**

To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights to executors and administrators; to characterize the rights of redemption; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements is ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed.

This act applies only to mortgages foreclosed on or after the effective date of this act which is January 1, 1989. To further repeal Alabama Code Sections 6-5-230 through 6-5-246 as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**Section 1. Definitions.**

Unless the context otherwise requires, the words defined in this section shall have the following meanings when found in this article.

(a) Sale or sold. Any execution, judgment, or foreclosure sale, whether the sale is made under any power of sale in any mortgage or deed of trust or statutory power of sale, or by virtue of any judgment in any court of competent jurisdiction.

(b) Mortgage. Any mortgage, deed of trust, or any other instrument intended to secure the payment of money, such as an instrument which includes a vendor's lien.

(c) Junior Mortgage. Any mortgage, deed of trust, or any other instrument intended to secure the payment of money by the transfer of an interest

in real property, such as a conveyance which includes a vendor's lien, which are lower in priority than the foreclosed mortgage or lien.

Section 2. Who May Redeem and Priorities.

(a) Where real estate, or any interest therein, is sold the same may be redeemed by:

1. Any debtor, including any surety or guarantor.
2. Any mortgagor, even if such mortgagor is not personally liable for payment of a debt.
3. Any junior mortgagee, or its transferee.
4. Judgment creditor, or its transferee.
5. Any transferee of the interests of the debtor or mortgagor, either before or after the sale. A transfer of any kind made by the debtor or mortgagor will accomplish a transfer of the interests of that party.
6. The respective spouses of all debtors, mortgagors, or transferees of any interest of the debtor or mortgagor, who are spouses on the day of the execution, judgment, or foreclosure sale.
7. Children, heirs, or devisees of any debtor or mortgagor.

(b) All persons named or enumerated in Section 2(a) 1 through 7 may exercise the right of redemption granted by this article within one year from the date of the sale.

(c) When any judgment creditor or junior mortgagee or any transferee of a judgment creditor or a junior mortgagee redeems under this article, all recorded judgments, recorded mortgages and recorded liens having a higher recorded priority in existence at the time of the sale are revived against the real estate redeemed and against the redeeming party and such shall become lawful charges pursuant to Section 7(a)(4) to be paid off at redemption.

Once any lienholder, recorded judgment creditor, or junior mortgagee is paid the amount of such person's debt and any accrued interest and other contractual charges, such person has no further right to redeem.

Any lienholder, recorded judgment creditor, or junior mortgagee with a lower recorded priority may redeem from those having a higher recorded priority who have redeemed.

(d) When any debtor, mortgagor, their transferees, their respective spouses, children, heirs or devisees redeem, all recorded judgments, recorded mortgages and recorded liens in existence at the time of the sale, are revived against the real estate redeemed and against the redeeming party and further redemption by some party other than the mortgagor or debtor under this article is precluded.

(e) When any debtor or mortgagor conveys his interest in property subject to a mortgage prior to sale wherein they are released from liability for the debt, his right of redemption under this article is terminated. In the same manner, the right of redemption granted under this article to the spouses, children, heirs, or devisees of debtors or mortgagors terminates when the debtors or mortgagors have conveyed their interests in the property and are released from liability for the debt.

However, where debtors or mortgagors have conveyed their interests in the property but remain liable on the debt and are debtors at the date of the foreclosure sale, the debtors and mortgagors retain their right of redemption under this article and in the same manner, their spouses, children, heirs or devisees continue to be entitled to the right of redemption under this article.

(f) A redemption made by any person under this article, other than the debtors or mortgagors, and their respective spouses, children, heirs, or devisees, shall preclude any further redemption by such person.

(g) Subject to section (e), a mortgagor and debtor have priority over any other redeeming party and a mortgagor has priority over a debtor.

Section 3. Rights Under This Chapter Extended to Executors and Administrators.

a. The rights of redemption secured by this article may be asserted, within the time limit provided, by

(1) the executor or administrator of any debtor or by the debtor's heirs or devisees;

(2) the executor or administrator of any mortgagor or by the mortgagor's heirs or devisees;

(3) the executor or administrator of any transferees, assignees, or vendees of the debtors or mortgagors or by their heirs or devisees; or

(4) the executor or administrator of any judgment creditor or junior mortgagee of the debtor or their transferees.

b. The rights of redemption, secured by this article may be asserted, within the time limit provided, against

(1) the executor or administrator of any junior mortgagee or transferees or assignees of the junior mortgagee;

(2) the executor or administrator of any judgment creditor or transferees or assignees of any judgment creditor;

(3) the executor or administrator of the purchaser of the land or the executor or administrator of any assignee or transferees of the purchaser.

Section 4. Characterization of Rights of Redemption Under This Statute.

The statutory rights of redemption given or conferred by this article are mere personal privileges and not property or property rights. The privileges must be exercised in the mode and manner prescribed by statute and may not be waived in a deed of trust, judgment, or mortgage, or in any agreement before foreclosure or execution sale. The right or privilege conferred under this article is not subject to levy and sale under execution or attachment nor is it subject to alienation except in the cases provided for in this article; but if the right or privilege is perfected by redemption as provided in this article, then, and not until then, it becomes property or rights of property subject to levy, sale, alienation, or other disposition, except as is expressly authorized by statute.

Section 5. Delivery of Possession to Purchaser on Demand.

(a) The possession of the land must be delivered to the purchaser or purchaser's transferees by the debtor or mortgagor if in their possession or

in the possession of anyone holding under them by privity of title, within 10 days after written demand for the possession has been made by, or on behalf of, the purchasers or purchaser's transferees.

(b) If the land is in the possession of a tenant, written notice must be given to the debtor or mortgagor, and the debtor or mortgagor must direct the tenant to deliver possession or recognize the purchaser as his or her landlord in the event the lease antedates the mortgage, judgment or levy. If the debtor or mortgagor cannot be found, notice to the tenant is sufficient and he must deliver possession within 10 days.

(c) Failure of the debtor or mortgagor or anyone holding possession under him or her to comply with the provisions of this section forfeits the right of redemption of the debtor or one holding possession under the debtor.

Section 6. Demand for Statement of Debt and Lawful Charges by Person Entitled to Redeem.

Anyone desiring and entitled to redeem may make written demand of the purchaser or his or her transferees for a statement in writing of the debt and all lawful charges claimed by him or her, and such purchaser or their transferees shall, within 10 days after such written demand, furnish such person making the demand with a written, itemized statement of all lawful charges claimed by him or her. The redeeming party must then tender all lawful charges to the purchaser or his or her transferee. If the purchaser or his or her transferee fails to furnish a written, itemized statement of all lawful charges within ten days after demand, he or she shall forfeit all claims or right to compensation for improvements, and the party so entitled to redeem may, on the expiration of the 10 days, file his or her complaint without a tender to enforce his or her rights under this article and file a lis pendens with the probate court.

Tender or suit must be made or filed within one year from foreclosure.

Section 7. Payment or Tender of Purchase Money and Other Lawful Charges, With Interest.

(a) Anyone entitled and desiring to redeem real estate under the provisions of this article must also pay or tender to the purchaser or his or her transferee the purchase price paid at the sale, with interest at the rate allowed to be charged on money judgments as set forth in Ala. Code § 8-8-10 (as it is now or hereinafter may be amended), and all other lawful charges, also with interest as aforesaid; lawful charges are the following:

- (1) Permanent improvements as prescribed herein.
- (2) Taxes paid or assessed.
- (3) All insurance premiums paid or owed by the purchaser.

(4) Any other valid lien or encumbrance paid or owned by such purchaser or his or her transferee or if the redeeming party is a judgment creditor or junior mortgagee or any transferee thereof, then all recorded judgments, recorded mortgages and recorded liens having a higher priority in existence at the time of sale which are revived under Section 2(c) of this Act.

If the redemption is made from a person who at the time of redemption owned the debt for which the property was sold, the redemptioner must also pay any balance due on the debt, with interest as aforesaid thereon to date.

(5) Mortgagees of the purchaser, or their transferees, are considered transferees of the purchaser, and a party redeeming must pay all mortgages made by the purchaser or his or her transferee on the land to the extent of the purchase price.

If the purchaser's mortgages do not exceed the amount of the purchase price, the balance must be paid to the purchaser.

(b) If the redeeming party is the debtor, mortgagor, their respective spouses, children, heirs or devisees then, unless otherwise provided herein, the judgments, mortgages, and liens revived pursuant to the 2(d) are not lawful charges as defined in subsection 7(a).

(c) The purchaser shall be entitled to all rents paid or accrued including oil and gas or mineral agreement rentals to the date of the redemption, and the rents must be prorated to such date. The purchaser or his or her transferee and his or her tenants shall have the right to harvest and gather the crops grown by them on the place for the year in which the redemption is made, but must pay a reasonable rent for the lands for the proportion of the current year to which such redemptioner may be entitled.

(d) Any one entitled and desiring to redeem shall be granted a credit as against the amount of money required to be paid for redemption as follows:

(1) For all timber cut or sold on the land by the purchaser or his or her transferees, during the statutory period of redemption.

(2) For any oil and gas, minerals (including coal bed gas), sand, and gravel, taken from the land or sold, and for advanced royalties or bonuses received by the purchaser or his or her transferees, during the statutory period of redemption.

(3) To the extent the value of the property is diminished when any structures or buildings are changed, removed, demolished or destroyed by the purchaser or his or her transferees during the statutory period of redemption.

Section 8. Payment of Value of Permanent Improvements; How Value of Improvements Ascertained.

(a) Any person offering to redeem must pay to the then holder of the legal title the value of all permanent improvements made on the land since the sale, and if the holder of the legal title cannot be ascertained, payment may be made to the circuit court of the county having jurisdiction of the subject matter when the complaint is filed to redeem. In response to written demand made under Section 6 of this Act, the then holder of the legal title shall, within 10 days from the receipt of such demand, furnish the proposed redemptioner with the amount claimed as the value of such permanent improvements; and within 10 days after receipt of such response, the proposed redemptioner either shall accept the value so stated by the then holder of the legal title or, disagreeing therewith, shall appoint a referee to ascertain the value of such permanent improvements and in writing notify the then holder of the legal title or his or her disagreement and of the fact and name of the referee appointed by him or her. Within 10 days after the receipt of such notice, the then holder of the legal title shall appoint a referee to ascertain the value of the permanent improvements and advise the proposed redemptioner of the name of the appointee. The two referees shall, within 10 days after the then holder of the legal title has appointed his or her referee, meet and confer upon the award to be made by them. If they cannot

agree, the referees shall at once appoint an umpire, and the award by a majority of such body shall be made within 10 days after the appointment of the umpire and shall be final between the parties.

(b) If a person offering to redeem fails or refuses to nominate a referee as provided in subsection (a) of this section, he or she must pay the value put upon the improvements by the then holder of the legal title. If the then holder of the legal title fails or refuses to appoint a referee, as provided in subsection (a) of this section, the then holder of the legal title shall forfeit his or her claim to compensation for such improvements. The failure of the referees, or either of them, to act or to appoint an umpire shall not operate to impair or to forfeit the right of either the proposed redemptioner or of the then holder of the legal title in the premises; and, in the event of failure without fault of the parties to effect an award, the appropriate court shall proceed to ascertain the true value of such permanent improvements and enforce the redemption accordingly.

Section 9. Failure or Refusal of Purchaser to Reconvey Title.

If the purchaser or his or her vendee or transferee fails or refuses to reconvey to such party entitled and desiring to redeem such title as the party acquired by the sale and purchase, such party so paying or tendering payment shall thereupon have the right to file in the circuit court having jurisdiction thereof a complaint to enforce his or her rights of redemption.

Section 10. Settlement and Adjustment of Rights and Equities by Circuit Court When Complaint Filed.

Upon the filing of any complaint as provided in these sections and paying into court the amount of purchase money and the interest necessary for redemption and all lawful charges, if the written statement thereof has been furnished or, if not furnished, offering to pay such debt or purchase price and all lawful charges, the circuit court shall take jurisdiction thereof and settle and adjust all the rights and equities of the parties, as provided in this article.

Section 11. Applicability.

This Act applies only to mortgages foreclosed after the effective date of this Act.

Section 12. Severability.

If any provisions of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end provisions of this Act are severable.

Section 13. Effective Date.

This Act takes effect on January 1, 1989.

Section 14. Repealer.

Code of Alabama (1975) Sections 6-5-230 through 6-5-246 are hereby repealed.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dial	Hand	Parsons	
Bedsole	Dixon	Holmes	Preuitt	
Bennett	Ellis	Manley	Rice	
Cabaniss	Foshee	Menton	Smith (J)	
Campbell	Hale	Mitchem		—18

Nays: —0

And said Bill, H. B. 114, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Hale	Mitchem	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Bishop	Ellis	Manley	Sanders	
Cabaniss	Foshee	Menton	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 116, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Figures	Preuitt	
Bedford	Dial	Hale	Rice	
Bennett	Dixon	Holmes	Sanders	
Bishop	Drinkard	Manley	Smith (J)	
Cabaniss	Ellis	Menton		—18

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 116. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

was read a third time at length and passed.

REGULAR SESSION
27th Day

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Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Bennett	Dial	Hale	Preuitt	
Bishop	Dixon	Hand	Rice	
Cabaniss	Drinkard	Holmes	Sanders	
Campbell	Ellis	Manley	Smith (J)	—19

Nays: —0

THE BILL:

H. 172. To provide that a contract for surrogate motherhood shall be absolutely null, void, and unenforceable as contrary to public policy.

was taken up.

On motion of Senator Dixon, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., H. B. 171, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Mitchem	
Bedford	Campbell	Ellis	Preuitt	
Bedsole	deGraffenried	Hale	Sanders	
Bennett	Dial	Hand	Smith (J)	
Bishop	Dixon	Holmes		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 171. Authorizing and empowering industrial development authorities that own and utilize properties having airport facilities to exercise those powers granted to airport authorities under Section 4-3-11 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Holmes	
Bedsole	deGraffenried	Figures	Mitchem	
Bennett	Dial	Foshee	Preuitt	
Bishop	Dixon	Hale	Sanders	
Cabaniss	Drinkard	Hand	Smith (J)	
Campbell				—20

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 443, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Menton	
Barron	Campbell	Ellis	Mitchem	
Bedsole	deGraffenried	Foshee	Preuitt	
Bennett	Dial	Goodwin	Smith (J)	
Bishop	Dixon	Hale		—18

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 443. To amend Section 15-23-3, Code of Alabama, 1975, to increase the expenses related to funeral, cremation or burial, payable to the Alabama Crime Victims Compensation Commission to victims of violent crime to the amount of \$3,000.00 and Section 15-23-5, Code of Alabama, 1975, to authorize the Executive Director of the Alabama Crime Victims Compensation Commission to pass upon all supplemental applications for compensation in an amount not to exceed \$1,000.00 and to pass upon all original applications for claims in an amount not to exceed \$500.00; and Section 15-23-15, Code of Alabama, 1975, to increase the compensation payable to a victim and to all other claimants by the Alabama Crime Victims Compensation Commission to the amount of \$25,000.00 in the aggregate and to increase the present value of all future economic loss to an amount not to exceed \$2,000.00.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Bailey	Cabaniss	Drinkard	Menton	
Bedford	Campbell	Ellis	Preuitt	
Bedsole	deGraffenried	Foshee	Rice	
Bennett	Dial	Goodwin	Smith (J)	—19

<i>Nays:</i>				—0
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On motion of Senator Bedsole, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 443.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 463, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Menton	
Bailey	Campbell	Ellis	Mitchem	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Dial	Goodwin	Rice	
Bennett	Dixon	Holmes	Smith (J)	
Bishop				—20

<i>Nays:</i>				—0
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27th Day

1697

BILLS ON THIRD READING RESUMED

THE BILL:

H. 463. To amend Section 40-12-4 of the Code of Alabama 1975; to provide that proceeds from the franchise, excise and privilege license taxes therein authorized to be levied by the governing body of any county may be used for any public school purpose in such county, including capital improvements and the payment of debt service on obligations issued therefor; to provide that such amendment of said Section 40-12-4 is declarative of existing law respecting the use of proceeds from such taxes for public school purposes and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation; and to authorize the use for any public school purpose of proceeds from taxes heretofore levied pursuant to said Section 40-12-4.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Mitchem	
Bailey	deGraffenried	Goodwin	Preuitt	
Bedsole	Dial	Hale	Rice	
Bennett	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard	Menton		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 331, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt	
Bedford	Dial	Goodwin	Rice	
Bedsole	Drinkard	Hale	Sanders	
Bishop	Ellis	Menton	Smith (J)	
Campbell	Figures			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 331. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Mitchem	
Bailey	Drinkard	Hale	Preuitt	
Bedsole	Ellis	Holmes	Rice	
Campbell	Figures	Manley	Sanders	
Corbett	Foshee	Menton	Smith (J)	
deGraffenried				—20

Nays: —0

On motion of Senator Ellis, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 331.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 62, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Dixon	Goodwin	Preuitt	
Bailey	Drinkard	Hale	Rice	
Bedford	Ellis	Manley	Sanders	
Bedsole	Figures	Menton	Smith (J)	
Campbell	Foshee	Mitchem		—18

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 62. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Dixon	Goodwin	Mitchem	
Bailey	Drinkard	Hale	Parsons	
Cabaniss	Ellis	Holmes	Preuitt	
Campbell	Figures	Manley	Rice	
Corbett	Foshee	Menton	Sanders	—19

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Hale, B. I. R., S. B. 407, adopted.

REGULAR SESSION
27th Day

1699

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Foshee	Menton	
Bailey	Dixon	Hale	Mitchem	
Bedsole	Drinkard	Hilliard	Preuitt	
Cabaniss	Ellis	Holmes	Rice	
Campbell	Figures	Manley	Sanders	
deGraffenried				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 407. To amend sections 41-16-20 and 41-16-24, Code of Alabama 1975, to change from \$2,000.00 to \$5,000.00 the minimum amount at which state purchases and contracts are to be made and let by competitive bid.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Hale	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Bedsole	Denton	Hilliard	Rice	
Cabaniss	Drinkard	Holmes	Sanders	
Campbell	Figures	Manley	Smith (J)	—19

Nays: —0

On motion of Senator Hale, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 407.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 239, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bailey	Dixon	Hilliard	Preuitt	
Bedsole	Drinkard	Holmes	Rice	
Cabaniss	Ellis	Manley	Sanders	
Campbell	Foshee	Menton	Smith (J)	
deGraffenried	Hale			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 239. To amend Sections 12-16-8 and 12-16-8.1, Code of Alabama 1975, which sections relate to juries and jurors to further provide for the

compensation to which employees are entitled when summoned to jury service; to provide for a statement of attendance; to further provide for the wrongful discharge of persons summoned for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service and to increase the expense allowance from \$10.00 to \$12.00 for each day's service.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Bailey	Denton	Hale	Mitchem	
Bedford	Dixon	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (J)	
Campbell	Figures	Manley		—22

Nays:

—0

On motion of Senator Hale, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 239.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 351, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Barron	Denton	Hand	Mitchem	
Bedford	Drinkard	Hilliard	Preuitt	
Bedsole	Ellis	Holmes	Sanders	
Cabaniss	Foshee	Manley	Smith (J)	
Campbell				—20

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 351. This bill provides for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious disease by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Hale	Mitchem	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Dixon	Hilliard	Rice	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Ellis	Manley	Smith (J)	
Cabaniss	Figures	Menton		—22

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Holmes requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Holmes, B. I. R., H. B. 1, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Dixon	Hand	Mitchem	
Barron	Drinkard	Hilliard	Preuitt	
Bedford	Ellis	Holmes	Rice	
Cabaniss	Figures	Manley	Sanders	
Campbell	Foshee	Menton	Smith (J)	
Denton	Hale			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1. To provide for the issuing of distinctive license plates to certain handicapped persons at an additional fee of three dollars (\$3.00) per tag in those years when a metal plate is received, and prohibits the transfer of said plate between motor vehicle owners.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities, reported the following amendment to the Bill, H. B. 1, to-wit:

AMENDMENT TO H. B. 1

Amend House Bill 1 as follows:

on page 1, line 34, by deleting the period (.) and inserting the following:

which shall be paid to the department of corrections to cover cost of production.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Langford	
Barron	deGraffenried	Foshee	Manley	
Bedford	Denton	Hale	Menton	
Bennett	Dixon	Hand	Mitchem	
Cabaniss	Drinkard	Hilliard	Rice	
Campbell	Ellis	Holmes	Smith (J)	—23

Nays: —0

And said Bill, H. B. 1, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Denton	Hale	Manley
Barron	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Bedsole	Ellis	Holmes	Rice
Bennett	Figures	Horn	Sanders
Cabaniss	Foshee	Langford	Smith (J)
deGraffenried			

—24

Nays:

—0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 372. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Also:

S. 374. To amend Article VI, of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), Relating to the Extraordinary Disability Benefits of the City of Birmingham Retirement and Relief System, so as to provide that Extraordinary Disability Benefits shall not be paid to any participant who joins the system in or after July 1, 1988, during any period that such disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after July 1, 1988, the Board of Managers may waive the one year limitation and grant an application for Extraordinary Disability Allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

S. 376. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Also:

S. 496. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Also:

S. 548. To amend Section 5 of Act No. 105, H. 24, 1971 3rd Special Session (Acts of Alabama 1971, p. 4325), so as to allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census (Birmingham, Alabama, in Jefferson County), and acting pursuant to the authority granted by said Act No. 105 of the 1971 3rd Special Session of the Alabama Legislature, to authorize private contractors, companies, enterprises or individuals to abate and remove public nuisances caused by noxious or dangerous weeds without requiring compliance with the competitive bid law.

Also:

S. 557. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain valid licensees of brewed malt beverages or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that the Alcoholic Beverage Control Board shall establish the said special license and fees therefor; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed beverages or malt liquors; to provide that certain manufacturers may also be licensed to sell said brewed beverages or malt liquors to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

Also:

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

BILL DRINKARD,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 4. To provide a salary increase for certain state employees and to appropriate funds therefor; to provide a conditional salary increase; to provide the conditions prior to the granting of the conditional salary increase hereby authorized; and to appropriate such additional funds as may be necessary to pay the additional conditional increase for the fiscal year ending September 30, 1989.

BILL DRINKARD,
Chairperson.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 20. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

BILL DRINKARD,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bedford requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bedford, B. I. R., S. B. 27, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Bailey	deGraffenried	Figures	Menton	
Bedford	Denton	Hale	Mitchem	
Bennett	Dixon	Hand	Preuitt	
Cabaniss	Drinkard	Langford	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 27. To establish a limit per each calendar year on the quantity of hazardous waste which may be accepted for storage, treatment, or disposal in this state at commercial hazardous waste facilities; to authorize the Alabama Department of Environmental Management to impose monthly limits on the amount of hazardous waste accepted for storage, treatment, or disposal at each commercial hazardous waste facility and to require of each commercial hazardous waste facility a monthly report that accurately states the total amount, in weight, of hazardous waste accepted by said facility during the preceding month; to provide the Alabama Department of Environmental Management with authority to seek appropriate civil and/or criminal penalties against any person or commercial hazardous waste facility which violates the provisions of this act, or any rule, regulation, standard, permit provision, or order promulgated or issued pursuant to this act by the Alabama Department of Environmental Management.

was taken up.

Senator Bedford offered the following substitute for the Bill, S. B. 27, to-wit:

SUBSTITUTE FOR S. B. 27

**A BILL
TO BE ENTITLED
AN ACT**

To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature finds that:

(1) The generation and management of hazardous waste is a cause of continuing concern within the State; and

(2) The intent of both State and federal policy regarding hazardous wastes is to minimize the amount of wastes generated for treatment and disposal; and

(3) To reduce possible risks to human health and the environment, reliance on land disposal of hazardous wastes should be minimized and land disposal should be the least favored method for managing hazardous wastes; and

(4) Recent amendments to the federal Comprehensive Environmental Response Compensation and Liability Act require each state to assure the availability of a hazardous waste disposal facility for any necessary off site hazardous substances; and

(5) The State presently has in operation commercial treatment or disposal facilities sufficient to meet this statutory obligation; and

(6) The existing commercial hazardous waste treatment or disposal facilities are adequate to handle the volumes of such wastes generated within the State, and are also able to accept large volumes of wastes generated in other states; and

(7) The creation of additional commercial treatment or disposal capacity within the State will serve as a disincentive to hazardous waste generators to minimize the volume of waste generated, is contrary to the emphasis on alternative waste management techniques, and will increase the threat of environmental damage to the water, air and lands of the State.

Section 2. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) **COMMERCIAL HAZARDOUS WASTE TREATMENT OR DISPOSAL FACILITY.** A facility which receives for disposal only, or for treatment and disposal, hazardous waste that is not generated on site and to

which facility a fee is paid or other consideration given for such treatment or disposal.

(2) DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including ground waters.

(3) ON SITE FACILITY. Any treatment or disposal conducted by the generator of hazardous wastes involving those wastes generated by the generator and for which treatment or disposal no fee is charged or other consideration given.

(4) OPERATOR. The person responsible for overall operation of a facility.

(5) TREATMENT. Any method, technique or process including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. Such term includes any activity or processing designed to change the physical or chemical composition of hazardous waste so as to render it nonhazardous.

(6) All other terms used in this Act shall be defined as such terms are defined in §22-30-1, Code of Alabama 1975, as amended and the regulations promulgated thereunder.

Section 3. There shall be no commercial hazardous waste treatment or disposal facilities operated in this State which were not in operation on the effective date of this Act.

Section 4. Nothing in this Act shall prohibit an operator from operating or commencing to operate either an on site facility or a facility engaged in treatment but not the disposal of hazardous wastes.

Section 5. There is hereby imposed on all commercial hazardous waste treatment or disposal facilities a waste volume disposal limitation of not more than an amount equal to the total volume of hazardous wastes disposed at all commercial hazardous waste treatment and disposal facilities during the first calendar year of operation following calendar year 1986. This amount shall constitute the facilities' threshold disposal volume. Thereafter, disposal volumes at each facility shall be reduced in the amount of not less than 5 percent annually from the facility's threshold disposal volume until each facility has reduced its total annual disposal volume to an amount equalling 50 percent of its threshold disposal volume. Such reduction shall be in addition to any other ban or restriction on disposal imposed by any regulatory authority. Provided, however, that in no event shall the waste volume reduction provisions of this section reduce the capacity of commercial hazardous waste treatment or disposal facilities to a level below which the state cannot provide sufficient disposal capacity to meet its obligation under applicable state or federal law as identified by the Director of the Alabama Department of Environmental Management, or the Director's designee. Provided further that the Director or the Director's designee may allow disposal of hazardous wastes in excess of the annual limitation at a commercial hazardous wastes treatment or disposal facility if such action is determined by the Director or the Director's designee after a recommendation by the

state health officer to be necessary to protect human health or the environment.

Section 6. The Alabama Department of Environmental Management shall require each operator of a commercial hazardous waste treatment or disposal facility to provide to the Alabama Department of Environmental Management on a monthly basis, a report which accurately reflects the total amount by volume and by weight, of hazardous waste accepted by said facility during the preceding month along with a cumulative report of wastes received for the calendar year.

Section 7. The Alabama Department of Environmental Management is hereby authorized by this act to promulgate rules and regulations to impose monthly limits on the amount of hazardous wastes accepted for disposal at each commercial hazardous waste treatment or disposal facility operating in this state and such other requirements as the department deems necessary in order to maintain the total limit on hazardous wastes established in section 5 hereof.

Section 8. Any owner or operator disposing or permitting disposal of hazardous wastes in an amount exceeding the annual disposal volume limitation at a commercial hazardous waste treatment or disposal facility or who violates any provisions of this act or any rule, regulation or standard promulgated pursuant to this act shall be deemed in violation of this act. Violation of this act shall be punishable by the imposition of a civil penalty as provided in §§22-22A-5(17) and 22-22A-5(18), Code of Alabama 1975, as amended. In the event that the owner or operator shall exceed the annual disposal volume limitations set forth in section 5 of this act, the applicable penalty for such violation shall not exceed \$25,000.00 per ton and shall not be less than \$100.00 per ton for each ton or portion thereof disposed of at the facility in excess of the annual volume limitation. All penalties may be assessed either by administrative order issued by the Alabama Department of Environmental Management or by a civil action initiated by the Attorney General or the Alabama Department of Environmental Management. The Alabama Department of Environmental Management and the Attorney General are further authorized by this act to seek injunctive relief against any person who violates any provisions of this act or any rule, regulation or standard promulgated by the department pursuant to this act.

Section 9. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this act, any rule or regulation adopted by the Alabama Department of Environmental Management, any provision of any permit issued by the department, or any provision of any order issued under this act shall, upon conviction, be subject to a term of imprisonment of not more than ten (10) years, not less than one (1) year and one (1) day and, in addition, may be fined not more than \$50,000.00 for each violation; provided that if the conviction is for a violation committed after a first conviction of such person under this act, such person shall be subject to a term of imprisonment of not more than twenty (20) years nor less than two (2) years and, in addition, may be fined not more than \$100,000.00 for each violation. Each day such violation continues shall constitute a separate violation for purposes of this section.

Section 10. The provisions of this act are cumulative and shall not be deemed to repeal existing laws.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	Corbett	Foshee	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsale	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Horn	Smith (J)	
Cabaniss	Ellis	Langford		—26

Nays: —0

And said Bill, S. B. 27, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Bailey	deGraffenried	Hale	Menton	
Barron	Denton	Hand	Mitchem	
Bedford	Dixon	Hilliard	Preuitt	
Bedsale	Drinkard	Holmes	Sanders	
Bennett	Ellis	Horn	Smith (J)	
Cabaniss	Figures	Langford		—26

Nays: —0

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 27.

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., S. B. 154, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Hale	Langford	
Barron	deGraffenried	Hand	Manley	
Bedford	Denton	Hilliard	Menton	
Bedsale	Drinkard	Holmes	Mitchem	
Bennett	Figures	Horn	Preuitt	
Cabaniss	Foshee			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 154. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health

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insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	deGraffenried	Hilliard	Preuitt	
Bedford	Denton	Holmes	Sanders	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Figures	Manley		—22

Nays: —0

On motion of Senator Denton, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 154.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 400, adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Bailey	deGraffenried	Hale	Menton	
Barron	Denton	Hand	Mitchem	
Bedford	Drinkard	Hilliard	Preuitt	
Bedsole	Ellis	Holmes	Sanders	
Bennett	Figures	Langford	Smith (J)	
Cabaniss				—24

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 400. To create additional circuit and district judgeships and provide certain appropriations.

was taken up.

Senators Sanders offered the following substitute for the Bill, S. B. 400, to-wit:

SUBSTITUTE FOR S. B. 400

**A BILL
TO BE ENTITLED
AN ACT**

To create additional circuit and district judgeships and provide certain appropriations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created one additional circuit judgeship in each of the fourth, seventh, thirteenth, and fifteenth judicial circuits. The circuit judgeships for the fourth, seventh, thirteenth, and fifteenth judicial circuits shall first be filled at the general election of 1988, with terms of office beginning on the first Monday following the second Tuesday in January 1989. Such judgeships shall thereafter be elected in the same manner as are all circuit judges. The circuit judgeships created in this section shall be entitled to the same salary, salary supplements, expense allowance and other benefits as are provided for other circuit judges in their respective judicial circuits. The circuit judgeship created in the fifteenth judicial circuit shall be numbered circuit judgeship number 8 and shall serve the family court division of said circuit.

Section 2. There is hereby created one additional district judgeship for Madison County and one additional district judgeship for Shelby County. Such judgeships shall be in addition to the district judgeships now existing in these counties. The district judgeships created by this section shall first be filled at the general election in 1988 and the first judge so elected shall serve a full term of office beginning on the first Monday following the second Tuesday in January 1989. The officials holding the district judgeships provided by this section shall receive the same salary, salary supplements, expense allowances and other benefits payable in the same manner as the existing district judges of the respective counties.

Section 3. The officers holding the offices created by this act shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other like officers in the state of Alabama may be subject to exercise and perform.

Section 4. There is hereby appropriated to the Unified Judicial System \$936,982 for the fiscal year ending September 30, 1989, to fund the judgeships created by this act.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. Except where otherwise specifically provided herein, this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Corbett	Hand	Menton
Bailey	deGraffenried	Hilliard	Mitchem
Barron	Denton	Horn	Pruitt
Bennett	Ellis	Langford	Sanders
Cabaniss	Figures	Manley	Smith (J)
Campbell	Hale		

—21

Nay: Senator Bedsole

—1

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And said Bill, S. B. 400, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley	
Bailey	Corbett	Hale	Menton	
Barron	deGraffenried	Hand	Mitchem	
Bedsole	Denton	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Sanders	
Bishop	Ellis	Horn	Smith (J)	
Cabaniss	Figures	Langford		—26

Nays: —0

On motion of Senator Smith (J), Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 400.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 62, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Langford	
Barron	deGraffenried	Hale	Manley	
Bedford	Denton	Hand	Menton	
Bedsole	Drinkard	Hilliard	Mitchem	
Bennett	Ellis	Holmes	Smith (J)	
Cabaniss	Figures	Horn		—22

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 62. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Inc., and National Council on Alcoholism, Inc., Alabama Division, within the definitions of charitable organizations as used in this section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Horn	
Barron	Corbett	Figures	Langford	
Bedford	deGraffenried	Foshee	Manley	
Bedsole	Denton	Hale	Menton	
Bennett	Dixon	Hand	Mitchem	
Cabaniss	Drinkard	Hilliard	Smith (J)	—23

Nays: —0

On motion of Senator Campbell, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 62.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 345, adopted.

Yeas 23; Nays 1.

Yeas:

Senators:	Cabaniss	Ellis	Horn	
Bailey	Campbell	Figures	Langford	
Barron	deGraffenried	Foshee	Manley	
Bedford	Denton	Hale	Menton	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard	Holmes	Smith (J)	—23

Nay: Senator Hilliard

—1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 345. To provide for the exchange of sales tax information with the federal government and other states' agencies with which the State of Alabama has a reciprocal exchange arrangement.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Figures	Horn	
Bailey	deGraffenried	Foshee	Langford	
Barron	Denton	Hale	Menton	
Bennett	Dixon	Hand	Mitchem	
Cabaniss	Drinkard	Hilliard	Rice	
Campbell	Ellis	Holmes	Smith (J)	—23

Nays:

—0

On motion of Senator Hale, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 345.

BUDGET ISOLATION RESOLUTION

Senator Barron, B. I. R., S. B. 620, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dixon	Hilliard	Rice	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Horn		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 620. To provide that no member of the teachers' retirement system of Alabama or any person retired therefrom, who as a student had prior full time employment with a state supported educational institution of higher learning, may purchase credit for such service after a specified time period and then only subject to certain conditions and limitations; to provide for the certification and purchase of such service. To provide further for the exclusion from membership of student employees in higher education whose employment is incidental to their student status, and who are hired after the effective date of this act; and to exclude from membership in the teachers' retirement system of Alabama any employee who is a student in a primary or secondary school.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Amari	Campbell	Hale	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Barron	Denton	Hilliard	Preuitt	
Bedford	Dixon	Holmes	Rice	
Bedsole	Ellis	Horn	Smith (J)	—23

Nays: —0

On motion of Senator Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 620.

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., S. B. 161, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Barron	Denton	Hand	Menton	
Bedford	Dixon	Hilliard	Mitchem	
Bennett	Drinkard	Holmes	Preuitt	
Cabaniss	Ellis	Horn	Rice	
Campbell	Figures	Langford	Smith (J)	—23

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 161. To amend Sections 17-4-153 and 17-4-188, Code of Alabama 1975, as amended by Act No. 87-577, H. 85, 1987 Regular Session, which provides for the compensation of members of the boards of registrars, so as to increase said compensation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dixon	Hand	Preuitt	
Bennett	Drinkard	Hilliard	Rice	
Cabaniss	Ellis	Holmes	Smith (J)	—23

Nays: —0

On motion of Senator Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 161.

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., S. B. 610, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Bailey	Campbell	Foshee	Manley	
Barron	Denton	Hale	Menton	
Bedford	Dixon	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis	Holmes	Smith (J)	—23

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 610. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 610, to-wit:

AMENDMENT TO S. B. 610

Amend Senate Bill No. 610 on page 1, line 26, by deleting the figure "\$640,000" and inserting in lieu thereof the figure "\$1,390,000".

On motion of Senator Drinkard, said amendment was laid on the table.

And said Bill, S. B. 610, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION
27th Day

1715

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Manley
Amari	Denton	Foshee	Menton
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon	Hilliard	Rice
Cabaniss	Drinkard	Holmes	Sanders
Campbell	Ellis	Langford	Smith (J)
Corbett			

—24

Nays: —0

On motion of Senator Drinkard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 610.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., S. B. 404, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Bailey	deGraffenried	Figures	Menton
Bedford	Denton	Hale	Preuitt
Bedsole	Dial	Hilliard	Sanders
Bennett	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 404. To amend Section 32-5A-194, Code of Alabama, 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 404, to-wit:

AMENDMENT TO S. B. 404

Amend S. B. 404, Page 1, Line 16, by striking the "." following the word "sciences" and insert the following:

"and providing further for chemical tests."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Amari	Denton	Hale	Preuitt	
Bailey	Dial	Hilliard	Rice	
Bennett	Drinkard	Holmes	Sanders	
Cabaniss	Ellis	Horn	Smith (J)	
Campbell	Figures	Langford		—22

Nays: —0

And said Bill, S. B. 404, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Amari	Corbett	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Bedford	Denton	Hale	Preuitt	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Horn	Smith (J)	
Cabaniss	Drinkard			—25

Nays: —0

On motion of Senator Preuitt, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 404.

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 58, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Manley	
Amari	Campbell	Figures	Menton	
Bailey	Corbett	Hale	Preuitt	
Bedford	deGraffenried	Holmes	Rice	
Bedsole	Denton	Horn	Sanders	
Bennett	Dial	Langford	Smith (J)	—23

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

S. 58. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups

under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 58, to-wit:

SUBSTITUTE FOR S. B. 58

**A BILL
TO BE ENTITLED
AN ACT**

To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds that hazardous substances have been stored or disposed of at sites which are inactive or abandoned and that such sites have the potential for deleterious impacts on groundwater, human health or the environment. The Legislature, therefore, declares that it is in the public interest to assure that such sites are identified and that action is taken to provide for the cleanup and rehabilitation of such sites within the state of Alabama. The Legislature intends that funds provided under this act be used primarily to clean up and rehabilitate sites not qualified for or unlikely to receive funding under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) but that funds provided under this Act may also be used to provide state matching funds for cleanups and for operation and maintenance of sites which have completed cleanup under the Comprehensive Environmental Response Compensation and Liability Act of 1980.

Section 2. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) **CLEANUP.** All activities including administrative activities related to the identification, investigation and evaluation of hazardous substance sites and the removal of hazardous substances or other closure or containment of hazardous substances and any subsequent monitoring of such sites.

(2) COMMISSION. The Alabama Environmental Management Commission as created by section 22-22A-6, Code of Alabama 1975.

(3) DEPARTMENT. The Alabama Department of Environmental Management as created by section 22-22A-4, Code of Alabama 1975.

(4) DIRECTOR. The director of the Alabama Department of Environmental Management.

(5) FUND. The Alabama Hazardous Substance Cleanup Fund.

(6) HAZARDOUS SUBSTANCE. Any substance defined as a hazardous substance pursuant to 42 U.S.C. § 9601(14) or listed as a hazardous waste pursuant to the Hazardous Wastes Management Act, Code of Alabama 1975 Sections 22-30-1 et seq. and the regulations promulgated thereunder.

(7) HAZARDOUS SUBSTANCE SITE. Any site or location where hazardous substance storage or disposal has occurred.

(8) INACTIVE OR ABANDONED HAZARDOUS SUBSTANCE SITE. Any hazardous substance site which is not operated after the effective date of this act, or which ceases operation after the effective date of this act.

(9) LIABLE PARTY. Any person who:

a. Is an operator or former operator of an inactive or abandoned hazardous substance site;

b. Generated a waste stored or disposed of at a hazardous substance site which has become inactive or abandoned; or

c. Transported waste for disposal to a hazardous substance site which has become inactive or abandoned.

(10) OPERATOR. A person who has stored or disposed of or permitted a third person to store or dispose of a hazardous substance at a site which has become an inactive or abandoned hazardous substance site, or a person who obtained ownership of a site either knowing or with reason to know it was an abandoned or inactive hazardous substance site. Such term does not include a person, who, without participating in the management of a site which has become an inactive or abandoned hazardous substance site, holds indicia of ownership primarily to protect a security interest in the site.

(11) All other terms used in this Act shall be defined as such terms are defined in the Hazardous Wastes Management Act, Code of Alabama 1975, §§ 22-30-1 et seq. as amended; and the regulations promulgated thereunder.

Section 3. (a) There is hereby established within the general fund a special agency account to be known as the "Alabama Hazardous Substance Cleanup Fund" to be administered by the department.

(b) The fund shall be initially endowed with an appropriation in the amount of \$40,000 for the start-up and administrative costs necessary to implement this Act, and for inactive or abandoned hazardous substance site cleanup costs.

(c) In addition to the appropriations heretofore made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1989, the sum of \$500,000 to be used solely for the purpose of cleanup operations of abandoned or inactive hazardous substance sites, reimbursement to the fund for monies expended by the department

for cleanup of such sites, and as matching funds to allow cleanups and operation and maintenance of sites which have completed cleanup under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.), such funds to be released to the fund on a project-by-project basis on recommendation of the director and approval by the governor.

(d) Any unencumbered funds and any unexpended balance of the fund remaining at the end of any fiscal year shall not revert to the general fund, but shall be carried forward until expended in accordance with the provisions of this Act.

(e) Interest accruing on investments and deposits of the fund shall be returned to the fund and remain a part of the fund.

(f) All civil penalties and recovery of expenses collected pursuant to this Act shall be deposited in the fund.

Section 4. (a) In relation or addition to the powers set forth in this section and any other provisions of laws of this state, the department is empowered, with regard to the regulation, control, or removal of hazardous substances as follows:

(1) To respond to, direct, or initiate cleanup of inactive or abandoned hazardous substance sites;

(2) To conduct or contract for professional technical data gathering and analysis and damage assessment; and

(3) To conduct or contract for the removal or containment of hazardous substances where there has been or is a potential for release, regardless of quantity or concentration.

(4) Acting through the provisions of Code of Alabama §§ 22-22A-5, and 22-22A-8 issue such rules and regulations as are necessary to carry out the provisions of this act.

(b) The fund shall be available to the department for expenditures for the purpose of providing for the identification, investigation, and for the containment and cleanup, including monitoring and maintenance of inactive or abandoned hazardous substance sites within the state as provided in this act.

(c) The department may enter into such contracts and use the fund for those purposes directly associated with identification, investigation, containment and cleanup, including monitoring and maintenance, prescribed above including:

(1) hiring of consultants and personnel;

(2) purchase, lease or rental of necessary equipment; and/or

(3) other necessary expenses.

(d) The fund shall not be used for hiring personnel for continuing programs of the department not directly related to the purpose of this Act or for ongoing research activities not directly related to the purpose of this act.

Section 5. (a) Whenever the director identifies an inactive or abandoned hazardous substance site, he shall attempt to identify the liable party. If the liable party can be identified within a reasonable time, he shall:

(1) Order the liable party or parties to develop a Hazardous Substance Cleanup Plan detailing how the liable party will investigate, identify, contain and cleanup the site, including post-cleanup monitoring and maintenance of the site;

(2) Order the liable party to implement the plan, subject to approval by the department, within a reasonable time as specified in the order;

(3) Provide a 30-day public comment period on the plan in the county where the site is located, provided that such public comment period may be waived if the director finds that such delay would significantly increase the threat to human health or the environment. Notice of the public comment period shall be given by a one-time publication in a newspaper of general circulation in the county where the site is located; and

(4) Any person who does not comply with any final order under this section shall be subject to the penalties provided in section 13 of this act.

(b) No order may be issued under this section until the liable party is provided notice and an opportunity for an informal hearing before the department. Provided, however, that whenever the director, after investigation, finds that the threat to human health or the environment is imminent, the director may issue the order without a hearing.

(c) Whenever the liable party fails to comply with an order to develop a Hazardous Substance Cleanup Plan for a site, the department may develop such a plan. The reasonable expenses of developing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed under section 12 of this act.

(d) Whenever the liable party fails to comply with an order to implement a Hazardous Substance Cleanup Plan for a site, the department may implement such a plan. The reasonable expenses of implementing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed under section 13 of this act.

(e) In the event that no liable party can be identified, or if the liable party cannot be identified within a reasonable time, or if the director determines there is an imminent threat to human health or the environment, the department may develop and implement a Hazardous Substance Cleanup Plan. The reasonable expenses of developing and implementing such plan shall be paid from the fund if available and reimbursed by the liable party when and if identified. This reimbursement of expenses is in addition to any penalties assessed under section 12 of this act.

(f) Orders issued under this section may be appealed as provided in section 22-22A-7(c), Code of Alabama 1975.

(g) The department is authorized to recover expenses as set out in this section by administrative order or by civil action in the circuit court in Montgomery County.

Section 6. (a) In determining the scope, nature and content of a Hazardous Substance Cleanup Plan the director shall evaluate reasonable alternatives and select those actions which he determines are necessary to protect

human health and the environment. The goal of any pertinent action shall be cleanup and containment of the site through the elimination of the threat to the human health and the environment posed by the hazardous substance. In choosing the necessary action at each site, the director shall consider the following factors:

- (1) The technological feasibility of each alternative;
- (2) The cost estimate of each alternative;
- (3) The capability of the selected alternative to protect human health and the environment.

Section 7. The director shall, on or before January 1, 1989, and annually thereafter on January first of each succeeding year, transmit an updated Annual Report to the commission, the legislature, and the governor. Each Annual Report shall include, but need not be limited to, the following information for each site:

- (1) A general description of the site, including the name and address of the site, the type and quantity of the hazardous substance disposed of at the site if known, and the name of the current owners of the site;
- (2) A summary of any significant environmental problems at and near the site; the site's proximity to public or private drinking water supplies, or other water supplies;
- (3) The clear identification of the site on a map;
- (4) The status of any testing, monitoring or remedial actions in progress or recommended by the director;
- (5) The status of any pending legal and administrative actions and any federal, state or local government permits concerning the site;
- (6) The proximity of the site to private residences, public buildings or property, school facilities, places of work or other areas where individuals may be regularly present;
- (7) All costs incurred pursuant to the implementation of this act by the department or any other party; and
- (8) Estimated future costs to be incurred pursuant to the implementation of this act by the department or any other party.

Section 8. (a) Liable parties shall be liable to the state for amounts expended for the investigation, identification, containment and cleanup of hazardous substance sites, including the cost of monitoring and maintenance. Such liability shall be in addition to any penalties assessed pursuant to section 12 of this act.

(b) The department shall act to recover the amounts expended by the state from all identified liable parties for the expenses identified in subsection (a) of this section.

(c) No liable party shall be responsible for more than that party's proportional share of the amount expended by the department for each site. Any expenditures required by this act made by a liable party shall be credited toward their liability under this act.

(d) In no event shall the total recovery from liable parties exceed the amount expended from the fund, except that penalties may be recovered in addition to the amount expended from the fund.

(e) If evidence is insufficient to allow apportionment of the expenses among liable parties, the department shall establish those portions of the expenditures clearly attributable to each liable party and the appropriate circuit court shall apportion the remaining expenditures among the liable parties and the fund.

(f) Any expenses not attributable to a liable party shall be paid from the fund.

(g) All expenditures recovered from liable parties shall be deposited in the fund.

(h) The department shall also exhaust any applicable liability insurance or other financial assurance mechanisms which have been provided by the liable party or parties to ensure that the fund is not depleted where monies are available from liable parties.

Section 9. No action may be commenced against the director, any employee of the department, or any person under contract with the department for damages as a result of actions taken or omitted in the course of performing duties or functions under this Act or in the course of rendering care, assistance, or advice at the direction of an on-scene coordinator appointed by the director, with respect to the cleanup of an abandoned or inactive hazardous substance site including any release of a hazardous substance or the threat thereof.

Section 10. The director or his designee shall have the right at reasonable times to enter upon any property upon which a known or suspected inactive or abandoned hazardous substance site is located and any other property which must be entered to have access to the site or to perform or cause to be performed all actions necessary to carry out the provisions of this act. Entry shall be construed as an exercise of the police power and shall not be construed as an act of condemnation of property or of trespass.

Section 11. (a) It shall be a violation of the provisions of this act for any liable party to:

(1) violate any provision of or time period set forth in any administrative order issued by the director;

(2) destroy or conceal any records relating to hazardous substances or abandoned or inactive sites;

(3) violate any settlement or consent agreement entered into pursuant to or in anticipation of an administrative order issued by the director, or pursuant to or in anticipation of any civil action initiated under the provisions of this act.

(b) Civil penalties may be assessed either by administrative order or civil action for violations of this act.

Section 12. In addition to any other powers and functions which may be conferred upon it by law, the department is authorized to:

(1) Issue an order to recover any and all expenditures by the department related to cleanup and assessing a civil penalty against any liable party who

violates any provision of this act, any rule, regulation or standard promulgated under authority of this act or any provision of any order issued under authority of this act, provided however, that no such order shall be issued if a civil action to recover a penalty for such violation has been commenced as provided herein. The department or attorney general may commence a civil action in the circuit court of Montgomery County to recover any and all expenditures by the department related to cleanup and to recover a civil penalty against liable party, provided however, that no such civil action shall be commenced if an order assessing a penalty has been issued as provided herein. Any order or civil action shall recover the expenditures of the department related to costs of cleanup. In addition to costs of cleanup, any order or civil action may include a civil penalty in an amount not to be less than \$100 nor to exceed \$25,000 for each violation of the provisions of this act, provided however, that in addition to the amount equaling the department's expenditures related to cleanup, the total penalty assessed in an order issued by the department under this subsection shall not exceed \$250,000. Each day a violation continues shall constitute a separate violation for purposes of this subsection. In determining the amount of any penalty, consideration shall be given to the seriousness of the violation, including any irreparable harm to the environment and any threat to human health; the standard of care manifested by the liable party; the economic benefit which delayed compliance may confer upon such liable party; the nature, extent and degree of success of such liable party's efforts to minimize or mitigate the effects of such violation upon the environment; such liable party's history of previous violations; and the ability of such liable party to pay such penalty. Civil penalties may be assessed under this subsection for any violation occurring within two years prior to the date of issuance of such order or commencement of such civil action. Any person having an interest which is or may be adversely affected may intervene as a matter of right under this section. Any order assessing a civil penalty issued under this subsection shall include findings of fact relied upon by the department in determining the alleged violation and the amount of civil penalty and may be served in a manner provided for service of process in the Alabama Rules of Civil Procedure. Not later than 15 days after issuance of any such order, notice thereof shall be published for one day in a newspaper of general circulation in the county where the hazardous substance site is located. Where the department has issued an order finding that a violation has occurred and assessing a civil penalty, the liable party subject thereto shall pay the penalty in full within 30 days after issuance of such order unless such liable party has filed a timely request for a hearing to contest the issuance of such order in accordance with section 22-22A-7, Code of Alabama 1975, in which case the penalty assessed in the order as approved or modified by the Environmental Management Commission shall be paid in full within 30 days after the order is approved or modified by the commission or, if an appeal thereof is taken to circuit court, within 42 days after the court affirms the order as approved or modified by the commission. An order assessing a penalty shall not be issued under this subsection until the liable party subject thereto has been afforded an opportunity for an informal conference with the director or his designated representative concerning the alleged violation and penalty assessment. Civil penalties assessed in an order under this subsection and not paid as provided herein may be recovered in a civil action brought by the department in the circuit court of Montgomery county or the county in which the liable party does business.

(2) Commence a civil action in the circuit court of the county in which the liable party resides or does business or in which the hazardous substance

site is located to enjoin any threatened or continuing violation of this act, any rule, regulation or standard promulgated under authority of this act or any provision of any order issued under authority of this act. The attorney general or district attorney having jurisdiction in the circuit, county or territory in which the threatened or continuing violation occurs may also commence a civil action to enjoin such violation. In such action, any person having an interest which is or may be affected may intervene as a matter of right.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton	
Amari	deGraffenried	Figures	Parsons	
Bailey	Denton	Foshee	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Dixon	Holmes	Sanders	
Cabaniss	Drinkard	Manley	Smith (J)	—23

Nays: —0

And said Bill, S. B. 58, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Figures	Menton	
Amari	deGraffenried	Foshee	Mitchem	
Bailey	Denton	Hale	Preuitt	
Bedford	Dial	Holmes	Rice	
Bedsole	Dixon	Langford	Sanders	
Bennett	Ellis	Manley	Smith (J)	
Campbell				—24

Nays: —0

On motion of Senator Dial, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 58.

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., S. B. 325, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Preuitt	
Amari	Denton	Hale	Rice	
Bailey	Dial	Holmes	Sanders	
Bedsole	Dixon	Langford	Smith (J)	
Cabaniss	Ellis			—17

Nay: Senator Manley —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 325. To amend Section 9-11-47, Code of Alabama 1975, relating to nonresident "all game hunt license" to raise the fee for said license from \$175.00 to \$200.00.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 3.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Amari	Dial	Foshee	Preuitt	
Bedford	Dixon	Hale	Rice	
Bedsole	Ellis	Holmes	Sanders	
Bennett				—16

Nays:

Senators:	Bailey	Corbett	Manley	—3
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On motion of Senator Ellis, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 325.

BUDGET ISOLATION RESOLUTION

Senator Amari, B. I. R., S. B. 466, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Manley	
Amari	deGraffenried	Ellis	Menton	
Bailey	Denton	Foshee	Preuitt	
Bedford	Dial	Hale	Sanders	
Bennett	Dixon	Langford	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 466. To provide for the reopening of the Employees' Retirement System of Alabama to those employees who were members of the Employees' Retirement System of Alabama on June 1, 1986, and who have prior employment with counties in Alabama for which they were ineligible to gain credit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Cabaniss	Dixon	Langford	Sanders	
Campbell	Ellis	Manley	Smith (J)	—19

Nays: —0

On motion of Senator Amari, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 466.

BUDGET ISOLATION RESOLUTION

Senator Cabaniss, B. I. R., S. B. 412, adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Amari	Denton	Hale	Menton	
Bailey	Dial	Hand	Preuitt	
Barron	Dixon	Hilliard	Rice	
Bennett	Drinkard	Horn	Sanders	
Cabaniss	Ellis	Langford	Smith (J)	—24
Campbell				

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 412. Proposing an amendment to the Constitution of Alabama authorizing the investment of the trust capital and trust income of the Alabama Trust Fund and the Alabama Heritage Trust Fund in the same manner as authorized by law for the investment of funds of the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama, and providing that any capital gains taken on the sale of any securities shall become a part of the trust capital of the Alabama Heritage Trust Fund or the Alabama Trust Fund, respectively.

was taken up.

Senator Cabaniss offered the following substitute for the Bill, S. B. 412, to-wit:

SUBSTITUTE FOR S. B. 412

**A BILL
TO BE ENTITLED
AN ACT**

To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall

from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

Any other provision of this Constitution to the contrary notwithstanding, Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund may be invested in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; provided, however, that if any restrictive conditions at any time made applicable by law to either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama should prohibit investments that would otherwise be permitted for the Alabama Trust Fund by Amendment No. 450 to the Constitution of Alabama of 1901, then, notwithstanding the restrictive conditions applicable to said retirement systems, the investments permitted by said Amendment No. 450 shall be permitted for Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund; and provided further, that for purposes of implementing the preceding proviso with respect to the investment of funds held in The Alabama Heritage Trust Fund, any provision of said Amendment No. 450 which refers to the whole or any percentage of the Trust Capital of the Alabama Trust Fund in connection with the investment thereof shall be deemed to refer to the Trust Capital of The Alabama Heritage Trust Fund.

Any provision of this Constitution to the contrary notwithstanding, any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held and shall be subject to all restrictions applicable to the preservation of such Trust Capital.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special or primary election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284

and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election, together with the proposed amendment, shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In each county in which no newspaper is published, a copy of the notice shall be posted at each courthouse in such county.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Menton	
Amari	deGraffenried	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Bennett	Dial	Hilliard	Rice	
Cabaniss	Dixon	Langford	Sanders	
Campbell	Drinkard	Manley		—22

Nays: —0

And said Bill, S. B. 412, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Dial	Hand	Parsons	
Bennett	Dixon	Hilliard	Preuitt	
Cabaniss	Drinkard	Langford	Rice	
Corbett	Ellis	Manley	Sanders	
deGraffenried	Foshee	Menton	Smith (J)	
Denton	Hale			—21

Nays: —0

On motion of Senator Cabaniss, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 412.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 957. To authorize the governing body of the City of Albertville in Marshall County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by said city, on all taxable property situated within the corporate limits thereof, an ad valorem tax for public school purposes by an amount which shall not exceed, for any tax year of said city, \$1.80 on each one hundred dollars (18 mills on each dollar), of assessed value; and to provide that the authority hereby granted to the governing body of the City of Albertville to increase the rate at which said ad valorem tax is levied and

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collected shall expire twenty-six years after the first day of the first tax year for which said ad valorem tax is levied at an increased rate pursuant to the provisions hereof.

Also:

H. 784. Relating to Coffee County; providing an expense allowance for members of the board of equalization; and providing for retroactive effect.

Also:

H. 787. Relating to Cherokee County; authorizing the county board of health to designate the services rendered by the county board of health for which a reasonable fee may be charged and to set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

Also:

H. 793. Relating to Coffee County; amending Section 4 of Act No. 87-337, H. 392, 1987 Regular Session (Acts 1987, p. 491), which levies a county privilege, license or excise tax on tobacco and certain tobacco products and provides for the distribution of said proceeds for county fire protection, so as to authorize the county commission to enter into a service contract to provide county fire protection with one association composed of volunteer fire departments and municipally funded fire departments; providing for the distribution of compensation paid to such association for services rendered; authorizing such associations to require certain standards and criteria for its members and to deny funds to noncomplying members; and providing for retroactive effect.

Also:

H. 857. Relating to Randolph County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 432. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the

governing body of any Class II municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class II municipalities in the State of Alabama.

Also:

H. 433. Relating to Mobile County providing a supplement for the Supernumerary Clerks and Register of the Circuit Court of the Thirteenth Judicial Circuit, State of Alabama.

Also:

H. 752. Relating to Mobile County; to provide that the license commissioner shall provide for an additional method of ordering annual certificates of registration of boats by mail; to provide that the license commissioner may charge an additional \$1.00 to the boat owner for each such certificate issued by mail.

Also:

H. 756. Relating to Sumter County; providing for an additional expense allowance and travel allowance for the county coroner.

Also:

H. 891. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

Also:

H. 904. An act providing that certain weeds growing upon streets, sidewalks and private property may be declared a public nuisance by the governing body of any Class V municipality in the State of Alabama, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning said public nuisance, and a procedure for assessing costs of such removal against the property, constitute the same a lien, and providing for the collection of said assessments and the enforcement of said lien, which act shall apply to all Class V municipalities in the State of Alabama.

Also:

H. 434. To establish the Alabama Impaired Professionals' Committee; to provide that the State Board of Dental Examiners and the Board of Pharmacy shall have certain duties and obligations to promote early identification, intervention, treatment and rehabilitation of the professional within their jurisdictions and impaired by reason of illness, inebriation, excessive use of certain drugs, and controlled substances, alcohol, chemicals or other dependent forming substances, or as a result of physical or mental condition;

to define the term impaired; to authorize the State Board of Dental Examiners and the Board of Pharmacy to contract with any nonprofit corporation for the creation of the Alabama Impaired Professionals' Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Dental Examiners and the Board of Pharmacy and a nonprofit corporation or health provider professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Professionals' Committee to the respective boards; to prescribe that a professional serving as a member of the Alabama Impaired Professionals' Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of such committee; to provide that a nonprofit corporation or medical or health provider professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Professionals' Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Professionals' Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Professionals' Committee shall render annual reports to the respective state boards and shall report to the respective professional body any professional, within their respective jurisdiction, currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the committee; to provide that a report to the Alabama Impaired Professionals' Committee shall deem to be a report to the said boards, for the purpose of any mandated reporting of professional impairment otherwise provided for by law; to provide that where the said boards have cause to believe a dentist or pharmacist is impaired the board may cause an evaluation of such impaired professional to be conducted by the Alabama Impaired Professionals' Committee; to provide for the severability of the provisions of this act; to provide for cumulative effect; to provide for the repeal of all laws in conflict with this act; and to provide an effective date for this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 781. To propose an Amendment to the Constitution of Alabama of 1901, relating to Mobile County, to provide further that municipal and county funds may be invested in certain obligations and investments.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 351. This bill provides for an exception to the confidentiality provision of Act 87-574 when a potential risk exists in the spread of a contagious disease by authorizing the State Board of Health to set restrictive guidelines for compliance and set penalties for violation.

Also:

H. 116. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Also:

H. 27. To provide for the creation, appointment, organization, operation, meetings and continuance of the St. Stephens Historical Commission; to provide for acquiring, constructing, establishing, maintaining and promoting certain properties and structures of historical interest and functional utility at St. Stephens, in the vicinity of the site of the first territorial capital of Alabama; to provide for financial cooperation with other public or private agencies and historical organizations; and to provide for the employment of personnel.

Also:

H. 463. To amend Section 40-12-4 of the Code of Alabama 1975; to provide that proceeds from the franchise, excise and privilege license taxes therein authorized to be levied by the governing body of any county may be used for any public school purpose in such county, including capital improvements and the payment of debt service on obligations issued therefor; to provide that such amendment of said Section 40-12-4 is declarative of existing law respecting the use of proceeds from such taxes for public school purposes and that such amendment shall therefore have both a prospective and a retroactive or retrospective operation; and to authorize the use for any public school purpose of proceeds from taxes heretofore levied pursuant to said Section 40-12-4.

Also:

H. 171. Authorizing and empowering industrial development authorities that own and utilize properties having airport facilities to exercise those

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powers granted to airport authorities under Section 4-3-11 of the Code of Alabama 1975.

Also:

H. 62. To amend Section 41-8-2, Code of Alabama 1975, relating to the board of the Alabama public library service, so as to increase the membership of the board.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Parsons, B. I. R., S. B. 423, adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Campbell	Drinkard	Menton	
Bailey	deGraffenried	Ellis	Parsons	
Barron	Denton	Hale	Preuitt	
Bennett	Dial	Hand	Rice	
Cabaniss	Dixon	Manley	Sanders	—19

Nay: Senator Hilliard —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 423. To provide that the alcoholic beverage control board shall promulgate rules and regulations to require that certain alcoholic beverages contain a label of warning.

was taken up.

On motion of Senator Parsons, further consideration of the Bill, S. B. 423, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., S. B. 343, adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Campbell	Drinkard	Langford	
Bailey	deGraffenried	Ellis	Preuitt	
Barron	Denton	Hale	Rice	
Bennett	Dial	Hand	Sanders	
Cabaniss	Dixon	Horn		—18

Nay: Senator Amari —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 343. To amend Section 15-18-111, Code of Alabama 1975, to further define inmate for purposes of the Supervised Intensive Restitution Program. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

Yeas:

Senators:	Cabaniss	Dial	Hilliard	
Bailey	Campbell	Drinkard	Horn	
Bedford	Corbett	Ellis	Langford	
Bedsole	deGraffenried	Figures	Preuitt	
Bennett	Denton	Hale	Sanders	—19

Nays:

Senators:	Dixon	Hand	Menton	—3
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On motion of Senator Horn, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 343.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., S. B. 517, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Hale	Menton	
Bailey	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Langford	Sanders	
Bennett	Ellis	Manley	Smith (J)	
deGraffenried	Figures			—17

<i>Nay:</i> Senator Corbett	—1
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 517. To make it unlawful to use certain pipes, solder or flux in the construction, installation or repair of certain drinking water facilities and systems; authorizing the Alabama Department of Environmental Management to establish provisions and to promulgate rules and regulations to protect drinking water from lead contamination by prohibiting use of any pipes, solder, or flux which are not lead-free in the construction of any public water system or piping providing water for human consumption which is connected to a public water system, prescribing penalties for violation and to provide for compliance with the 1986 Federal Safe Drinking Water Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Foshee	Manley
Bailey	Dial	Hale	Menton
Bedsole	Drinkard	Hand	Preuitt
Bennett	Ellis	Hilliard	Sanders
Corbett	Figures	Langford	Smith (J)
deGraffenried			

—20

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 517.

BUDGET ISOLATION RESOLUTION

Senator Hilliard, B. I. R., S. B. 549, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Figures	Langford
Bailey	Dial	Foshee	Manley
Bennett	Dixon	Hand	Menton
Campbell	Drinkard	Hilliard	Sanders
deGraffenried	Ellis	Holmes	Smith (J)

—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 549. To provide for distinctive motor vehicle license plates for members of the Alabama Legislature and to provide for the design and issuance of the plates.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Figures	Langford
Bailey	Dial	Foshee	Manley
Bedford	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Rice
Campbell	Ellis	Holmes	Sanders
Corbett			

—20

Nays: —0

On motion of Senator Hilliard, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 549.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 747, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Figures	Langford	
Amari	Dial	Foshee	Manley	
Bedford	Dixon	Hand	Menton	
Campbell	Drinkard	Hilliard	Rice	
deGraffenried	Ellis	Holmes	Sanders	—19
Nays:				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as _____ Bill No. _____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

was taken up.

The Standing Committee on State Development and Tourism reported the following substitute for the Bill, H. B. 747, to-wit:

SUBSTITUTE FOR H. B. 747

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the

officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds, providing that capital outlay projects be subject to the approval of the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama, 1975; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby finds and declares that it is necessary, desirable and in the public interest that additional facilities be made available in this state for mental health purposes. It is the intention of the legislature by the passage of this act to authorize the formation of a public corporation for the purposes of providing for the acquisition, construction, improvement and equipment of the mental health facilities (including improvements to existing facilities), and to authorize the said corporation, in order to provide for payment of the costs of the said facilities, to anticipate the proceeds of that portion of a special state tax (originally levied by Act No. 275, adopted at the 1967 Regular Session of the Legislature of Alabama), that was levied for mental health purposes by the issuance of the bonds of the said corporation payable solely from the proceeds of the said tax.

Section 2. The following terms hereafter used in this act shall have the following respective meanings:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Bonds” means the bonds issued under the provisions of this act.

“Commissioner” means the Commissioner of Mental Health and Mental Retardation.

“Community facilities” means facilities operated by regional community mental health board established pursuant to section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens and community substance abuse programs certified by the Alabama Department of Mental Health and Mental Retardation that provide services for the treatment and care of individuals with mental or emotional illnesses, mental retardation, alcoholism or drug addiction.

“Department” means the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975.

“Directors” means the Board of Directors of the Authority.

“Mental health facilities” means any one or more of the following: hospitals and other facilities of any kind for treatment and care of the mentally ill and mentally retarded; regional or community-based mental health centers; regional or community-based facilities for treatment and care of the mentally ill or the mentally retarded; regional or community-based centers for the treatment of alcoholism or drug addiction; and improvements to existing state hospitals or other facilities for the treatment and care of the mentally ill and the mentally retarded.

“Legislative Oversight Commission” or “Oversight Commission” means the mental health capital outlay oversight commission created in Section 22-50-25 of the Code of Alabama 1975.

“Permitted Investments” means United State Securities, certificates of deposit fully secured by United State Securities and shall include investments in such obligations of the United State of America or its agencies under a repurchase agreement.

“United States Securities” means direct general obligations of the United States of America (including obligations of the state and local government series) and the obligations of any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or the plural. Any pronoun or pronouns used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 3. The Governor, the Commissioner, the Director of Finance, the Chairman of the Legislative Oversight Commission, and the Vice Chairman of the Legislative Oversight Commission may become a public corporation with the powers hereinafter provided, by proceeding according to the provisions of Section 4 of this act.

Section 4. To become a corporation, the Governor, the Commissioner, the Director of Finance, the Chairman of the Legislative Oversight Commission, and the Vice Chairman of the Legislative Oversight Commission shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants; (b) the date on which each applicant was inducted or elected into office and the term of office of each applicant; (c) the name of the proposed corporation, which shall be the Alabama Mental

Health Finance Authority; (d) the location of the principal office of the proposed corporation; and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. No fees or compensation shall be paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall be the president of the Authority, the Commissioner shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of the funds of the Authority, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for; provided, that the State Treasurer may designate one or more banks either within or without the state as the paying agent with respect to any series of bonds issued under this act. The members of the Authority shall constitute all the members of the board of directors of the Authority, and the presence of any three members of the directors shall constitute a quorum for the transaction of business. Should any person holding any office named in this section cease to hold office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the directors shall be reduced to writing by the secretary of the Authority, shall be signed by each of the directors, and shall then be recorded in a substantially bound book, which shall be kept in the office of the director of finance. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The board of directors of the Authority shall meet at such times and upon such notice as it shall determine.

Section 7. The Authority shall have the following powers among others specified in this act:

- (1) To have succession by its corporate name until dissolved as provided in this act;
- (2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto;
- (3) To have and to use a corporate seal and to alter the same at pleasure;

(4) To make and alter all needful bylaws, rules and regulations for the transaction of the Authority's business and the control of its property and affairs;

(5) To provide for the acquisition, construction, installation, equipping, operation and maintenance of mental health facilities, including the equipping and improvement of existing mental health facilities, provided that capital outlay projects be subject to approval by the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama 1975;

(6) To receive, take and hold by sale, gift, lease, devise or otherwise, real and personal property of every description, and to manage the same;

(7) To acquire by purchase, gift, or any other lawful means, and to transfer, convey or cause to be conveyed to the state, any real, personal or mixed property;

(8) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;

(9) To anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged, all in the manner hereinafter provided;

(10) As security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriation and pledge herein provided for and any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for its bonds, including letters of credit, bond insurance policies, surety bonds, all as the board of directors shall determine to be necessary or desirable;

(11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate purpose and to exercise any power necessary for the accomplishment of the purposes of the Authority or incidental to the powers expressly set out herein; and

(12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the directors, be necessary or desirable.

Section 8. For the purpose of acquiring, constructing, installing and equipping mental health facilities, the Authority is hereby authorized to issue and sell from time to time its bonds, which bonds may be in the form of interest-bearing bonds or noninterest-bearing bonds. The aggregate principal amount of bonds issued under this act shall (other than refunding bonds) not exceed one hundred million dollars (\$100,000,000). Provided, however, that the proceeds from the bonds issued under the provisions of this Act shall not be utilized for the construction, installing or equipping of community crisis stabilization units unless there is no available existing hospital beds that can be leased for said purposes within the community where such facility is to be operated.

Section 9. The bonds, which may be issued in one or more series, shall be in such forms and denominations and of such tenor and maturities, shall, if issued as interest-bearing bonds, bear such rate or rates of interest payable and evidenced in such manner, shall be payable in such installments, at such time or times and at such place or places, and may contain other provisions

not inconsistent with this act, all as may be provided in the resolution or resolutions of the directors where in the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than thirty years after its date. The Authority may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such dates and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the bonds with respect to which such option of redemption is retained.

Section 10. The bonds shall be signed by the president of the Authority and attested by its secretary; provided, that a facsimile of the signatures of both of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed if the proceedings under which the bonds are issued provides for the manual authentication of such bonds by officers of employees of the state designated by the Authority. The seal of the Authority shall be impressed on the bonds; provided, that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon. Delivery of bonds so executed shall be valid notwithstanding any changes in officers subsequent to the signing of such bonds.

Fifty percent (50%) of the bonds issued under the provisions of this act shall be designated for community mental illness, mental retardation, and substance abuse facilities operated by regional community mental health boards established under section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens, and/or community substance abuse programs, all of which must be certified by the Alabama Department of Mental Health and Mental Retardation. Such community facilities may include, but shall not be limited to, those community facilities identified in the Department of Mental Health and Mental Retardation's Capital Construction Plan.

Section 11. Each series of the bonds may be sold at such price or prices and at such time or times as the directors may determine and may be sold at either public or private sale. In the event any bonds are sold at public sale, either on sealed bids or at public auction, such bonds must be sold to the bidder whose bid reflects the lowest total net interest cost to the Authority for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of the sale of any bonds at public sale shall be given either (a) by publication in either a financial journal or a financial newspaper published in the City of New York, New York, or (b) by publication in a newspaper published in the state which is customarily published not less often than six days during each calendar week, which notice must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority may fix the terms and conditions under which each sale of bonds may be held. The Authority may pay out of the proceeds from the sale of the bonds all expenses, fees, premiums, discounts, insurance premiums and commissions and letters of credit or other credit enhancement fees as the directors may deem necessary or advantageous. Neither a public hearing nor consent by the State Department of Finance or any other department of agency shall be a prerequisite to the issuance of any of the bonds. All bonds issued by the Authority shall contain a recital that they are issued pursuant to the provisions of this act, which recital

shall be conclusive evidence that the said bonds have been duly authorized pursuant to the provisions of this act.

Section 12. The bonds shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 16 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the Authority is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in Section 16 of this act for payment of the said principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the state. The bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 13. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

Section 14. Any bonds issued by the Authority under this act may from time to time thereafter be refunded by the issuance of refunding bonds of the Authority. Any such refunding bonds may be issued whether the bonds to be refunded shall have been matured or shall thereafter mature, and such refunding may be effected either by the sale of the refunding bonds and the applications of the proceeds thereof to the payment or redemption of the bonds so refunded or by the exchange of the refunding bonds for those to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the Authority according to their terms. Any refunding bonds may be issued in such aggregate principal amount as the Authority shall deem necessary to effect such refunding. The proceeds derived from any sale of refunding bonds remaining after payment of the expenses of their issuance shall be applied in accordance with the proceedings of the Authority under which such refunding bonds are issued. Pending the application of said proceeds to the purchase, redemption or payment of such outstanding bonds, the said proceeds may be invested in permitted investments pursuant to a trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be deemed not outstanding if the Authority, in the proceedings under which such refunding bonds are issued, establishes a trust fund comprised of cash or permitted investments, or both, sufficient to pay in accordance with the provisions of such trust fund, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a

trust fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 16 hereof, shall no longer be obligations of the Authority and shall be secured solely by and payable from the moneys and investments deposited in such trust fund.

Section 15. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned into the state treasury, shall be carried in a special fund to be designated the Mental Health Facilities Building Fund, and shall be subject to be drawn on by the Authority for the purpose of paying costs of acquisition, construction, improvement and equipping of mental health facilities in the state.

For the purposes of this act, the improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment thereof and the construction of additions thereof, and the construction of a facility shall be deemed to include the acquisition of real estate sites and equipment therefor. For the purposes of this act, equipment shall mean any item of personal property having an estimated useful life of at least ten years.

The preparation of all plans and specifications for any building, or capital improvements to a building, constructed wholly or in part with any of the proceeds from the sale of the bonds and all work done hereunder in constructing buildings and capital improvements thereto shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. All work done in the construction of buildings and all purchases of equipment shall be made on the basis of competitive bidding in the manner provided by law. Any moneys remaining on deposit in the Mental Health Facilities Building Fund shall, upon completion of the acquisition and construction of mental health facilities and the payment of all costs in connection therewith, be applied either to redemption of bonds on the earliest date on which they are by their terms subject to redemption or otherwise utilized by the Authority in connection with the refunding of bonds.

Section 16. For the purpose of providing funds to enable the Authority to pay at their respective maturities and principal of and interest on any bonds issued by it under the provisions of this act and to accomplish the objects of this act, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of the receipts from the tax levied by Sections 40-25-2 and 40-25-41 and required to be distributed to the Authority in accordance with the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of (premium, if any) and interest on the bonds herein authorized.

Section 17. All contracts made, obligations incurred and bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create obligations or debts of the state.

Section 18. Any portion of the principal proceeds derived from the sale of the bonds which the board of directions may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the state treasurer in permitted investments which mature at such time or times as the Authority shall direct. Any such investments may, at any time and from time to time on

order of the Authority, be sold or otherwise converted by the state treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 19. The Authority shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private entity.

Section 20. At any time when the bonds and other obligations of the Authority have been paid in full, the Authority may be dissolved upon the filing with the secretary of state a written statement for dissolution, reciting payment in full of all bonds and other obligations of the Authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said written statement for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The secretary of state shall file and record the written statement for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the Authority is dissolved, and shall record the said certificate with the written statement for dissolution.

Section 21. Out of the revenues appropriated and pledged in Section 16 of this act, the state treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto. In the event that the state treasurer designates any bank as the paying agent with respect to any bonds, the state treasurer shall make available to such bank, not later than one business day prior to the date on which any principal of or interest on such bonds is due and payable, funds sufficient to pay such principal and interest due on such date.

Section 22. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 23. Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama, is hereby repealed.

Section 24. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Bedford offered the following substitute for the Committee substitute for the Bill, H. B. 747, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR H. B. 747
A BILL
TO BE ENTITLED
AN ACT

To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the

officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds, providing that capital outlay projects be subject to the approval of the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama, 1975; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby finds and declares that it is necessary, desirable and in the public interest that additional facilities be made available in this state for mental health purposes. It is the intention of the legislature by the passage of this act to authorize the formation of a public corporation for the purposes of providing for the acquisition, construction, improvement and equipment of the mental health facilities (including improvements to existing facilities), and to authorize the said corporation, in order to provide for payment of the costs of the said facilities, to anticipate the proceeds of that portion of a special state tax (originally levied by Act No. 275, adopted at the 1967 Regular Session of the Legislature of Alabama), that was levied for mental health purposes by the issuance of the bonds of the said corporation payable solely from the proceeds of the said tax.

Section 2. The following terms hereafter used in this act shall have the following respective meanings:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Bonds” means the bonds issued under the provisions of this act.

“Commissioner” means the Commissioner of Mental Health and Mental Retardation.

"Community facilities" means facilities operated by regional community mental health board established pursuant to section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens and community substance abuse programs certified by the Alabama Department of Mental Health and Mental Retardation that provide services for the treatment and care of individuals with mental or emotional illnesses, mental retardation, alcoholism or drug addiction.

"Department" means the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975.

"Directors" means the Board of Directors of the Authority.

"Mental health facilities" means any one or more of the following: hospitals and other facilities of any kind for treatment and care of the mentally ill and mentally retarded; regional or community-based mental health centers; regional or community-based facilities for treatment and care of the mentally ill or the mentally retarded; regional or community-based centers for the treatment of alcoholism or drug addiction; and improvements to existing state hospitals or other facilities for the treatment and care of the mentally ill and the mentally retarded.

"Legislative Oversight Commission" or "Oversight Commission" means the mental health capital outlay oversight commission created in Section 22-50-25 of the Code of Alabama 1975.

"Permitted Investments" means United States Securities, certificates of deposit fully secured by United States Securities and shall include investments in such obligations of the United States of America or its agencies under a repurchase agreement.

"United States Securities" means direct general obligations of the United States of America (including obligations of the state and local government series) and the obligations of any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or the plural. Any pronoun or pronouns used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 3. The corporation shall consist of the Governor, the director of mental health, three members shall be appointed by the Lieutenant Governor and three members shall be appointed by the speaker of the house and may become a public corporation with the powers hereinafter provided, by proceeding according to the provisions of Section 4 of this act. The Lt. Gov. and Speaker of the House shall also be members.

Section 4. To become a corporation, the Governor, the director of mental health, the three members appointed by the Lieutenant Governor and the three members appointed by the speaker of the house shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants; (b) the date on which each applicant was inducted or elected into office and the term of office of each applicant; (c) the name

of the proposed corporation, which shall be the Alabama Mental Health Finance Authority; (d) the location of the principal office of the proposed corporation; and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. No fees or compensation shall be paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The president of the Authority shall be elected by the members of said authority, the Commissioner shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of the funds of the Authority, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for; provided, that the State Treasurer may designate one or more banks either within or without the state as the paying agent with respect to any series of bonds issued under this act. The members of the Authority shall constitute all the members of the board of directors of the Authority, and the presence of any three members of the directors shall constitute a quorum for the transaction of business. Should any person holding any office named in this section cease to hold office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the directors shall be reduced to writing by the secretary of the Authority, shall be signed by each of the directors, and shall then be recorded in a substantially bound book, which shall be kept in the office of the director of finance. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The board of directors of the Authority shall meet at such times and upon such notice as it shall determine.

Section 7. The Authority shall have the following powers among others specified in this act:

(1) To have succession by its corporate name until dissolved as provided in this act;

(2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto:

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) To make and alter all needful bylaws, rules and regulations for the transaction of the Authority's business and the control of its property and affairs;

(5) To provide for the acquisition, construction, installation, equipping, operation and maintenance of mental health facilities, including the equipping and improvement of existing mental health facilities, provided that capital outlay projects be subject to approval by the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama 1975;

(6) To receive, take and hold by sale, gift, lease, devise or otherwise, real and personal property of every description, and to manage the same;

(7) To acquire by purchase, gift, or any other lawful means, and to transfer, convey or cause to be conveyed to the state, any real, personal or mixed property;

(8) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;

(9) To anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged, all in the manner hereinafter provided;

(10) As security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriation and pledge herein provided for any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for its bonds, including letters of credit, bond insurance policies, surety bonds, all as the board of directors shall determine to be necessary or desirable;

(11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate purpose and to exercise any power necessary for the accomplishment of the purposes of the Authority or incidental to the powers expressly set out herein; and

(12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the directors, be necessary or desirable.

Section 8. For the purpose of acquiring, constructing, installing and equipping mental health facilities, the Authority is hereby authorized to issue and sell from time to time its bonds, which bonds may be in the form of interest-bearing bonds or noninterest-bearing bonds. The aggregate principal amount of bonds issued under this act shall (other than refunding bonds) not exceed one hundred million dollars (\$100,000,000). Provided, however, that the proceeds from the bonds issued under the provisions of this Act shall not be utilized for the construction, installing or equipping of community crisis stabilization units unless there are no available existing hospital beds that can be leased for said purposes within the community where such facility is to be operated.

Section 9. The bonds, which may be issued in one or more series, shall be in such forms and denominations and of such tenor and maturities, shall, if issued as interest-bearing bonds, bear such rate or rates of interest payable and evidenced in such manner, shall be payable in such installments, at such time or times and at such place or places, and may contain other provisions

not inconsistent with this act, all as may be provided in the resolution or resolutions of the directors wherein the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than thirty years after its date. The Authority may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such dates and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the bonds with respect to which such option of redemption is retained.

Section 10. The bonds shall be signed by the president of the Authority and attested by its secretary; provided, that a facsimile of the signatures of both of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed if the proceedings under which the bonds are issued provides for the manual authentication of such bonds by officers or employees of the state designated by the Authority. The seal of the Authority shall be impressed on the bonds; provided, that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon. Delivery of bonds so executed shall be valid notwithstanding any changes in officers subsequent to the signing of such bonds.

Fifty percent (50%) of the bonds issued under the provisions of this act shall be designated for community mental illness, mental retardation, and substance abuse facilities operated by regional community mental health boards established under section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens, and/or community substance abuse programs, all of which must be certified by the Alabama Department of Mental Health and Mental Retardation. Such community facilities may include, but shall not be limited to, those community facilities identified in the Department of Mental Health and Mental Retardation's Capital Construction Plan.

Section 11. Each series of the bonds may be sold at such price or prices and at such time or times as the directors may determine and may be sold at either public or private sale. In the event any bonds are sold at public sale, either on sealed bids or at public auction, such bonds must be sold to the bidder whose bid reflects the lowest total net interest cost to the Authority for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of the sale of any bonds at public sale shall be given either (a) by publication in either a financial journal or a financial newspaper published in the City of New York, New York, or (b) by publication in a newspaper published in the state which is customarily published not less often than six days during each calendar week, which notice must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority may fix the terms and conditions under which each sale of bonds may be held. The Authority may pay out of the proceeds from the sale of the bonds all expenses, fees, premiums, discounts, insurance premiums and commissions and letters of credit or other credit enhancement fees as the directors may deem necessary or advantageous. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds. All bonds issued by the Authority shall contain a recital that they are issued pursuant to the provisions of this act, which recital

shall be conclusive evidence that the said bonds have been duly authorized pursuant to the provisions of this act.

Section 12. The bonds shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 16 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the Authority is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in Section 16 of this act for payment of the said principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the state. The bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 13. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

Section 14. Any bonds issued by the Authority under this act may from time to time thereafter be refunded by the issuance of refunding bonds of the Authority. Any such refunding bonds may be issued whether the bonds to be refunded shall have been matured or shall thereafter mature, and such refunding may be effected either by the sale of the refunding bonds and the applications of the proceeds thereof to the payment or redemption of the bonds so refunded or by the exchange of the refunding bonds for those to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the Authority according to their terms. Any refunding bonds may be issued in such aggregate principal amount as the Authority shall deem necessary to effect such refunding. The proceeds derived from any sale of refunding bonds remaining after payment of the expenses of their issuance shall be applied in accordance with the proceedings of the Authority under which such refunding bonds are issued. Pending the application of said proceeds to the purchase, redemption or payment of such outstanding bonds, the said proceeds may be invested in permitted investments pursuant to a trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be deemed not outstanding if the Authority, in the proceedings under which such refunding bonds are issued, establishes a trust fund comprised of cash or permitted investments, or both, sufficient to pay in accordance with the provisions of such trust fund, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a

trust fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 16 hereof, shall no longer be obligations of the Authority and shall be secured solely by and payable from the moneys and investments deposited in such trust fund.

Section 15. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned in to the state treasury, shall be carried in a special fund to be designated the Mental Health Facilities Building Fund, and shall be subject to be drawn on by the Authority for the purpose of paying costs of acquisition, construction, improvement and equipping of mental health facilities in the state.

For the purposes of this act, the improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment thereof and the construction of additions thereof, and the construction of a facility shall be deemed to include the acquisition of real estate sites and equipment therefor. For the purposes of this act, equipment shall mean any item of personal property having an estimated useful life of at least ten years.

The preparation of all plans and specifications for any building, or capital improvements to a building, constructed wholly or in part with any of the proceeds from the sale of the bonds and all work done hereunder in constructing buildings and capital improvements thereto shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. All work done in the construction of buildings and all purchases of equipment shall be made on the basis of competitive bidding in the manner provided by law. Any moneys remaining on deposit in the Mental Health Facilities Building Fund shall, upon completion of the acquisition and construction of mental health facilities and the payment of all costs in connection therewith, be applied either to redemption of bonds on the earliest date on which they are by their terms subject to redemption or otherwise utilized by the Authority in connection with the refunding of bonds.

Section 16. For the purpose of providing funds to enable the Authority to pay at their respective maturities and principal of and interest on any bonds issued by it under the provisions of this act and to accomplish the objects of this act, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of the receipts from the tax levied by Sections 40-25-2 and 40-25-41 and required to be distributed to the Authority in accordance with the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of (premium, if any) and interest on the bonds herein authorized.

Section 17. All contracts made, obligations incurred and bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create obligations or debts of the state.

Section 18. Any portion of the principal proceeds derived from the sale of the bonds which the board of directors may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the state treasurer in permitted investments which mature at such time or times as the Authority shall direct. Any such investments may, at any time and from time to time on

order of the Authority, be sold or otherwise converted by the state treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 19. The Authority shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private entity.

Section 20. At any time when the bonds and other obligations of the Authority have been paid in full, the Authority may be dissolved upon the filing with the secretary of state and written statement for dissolution, reciting payment in full of all bonds and other obligations of the Authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said written statement for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The secretary of state shall file and record the written statement for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the Authority is dissolved, and shall record the said certificate with the written statement for dissolution.

Section 21. Out of the revenues appropriated and pledged in Section 16 of this act, the state treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto. In the event that the state treasurer designates any bank as the paying agent with respect to any bonds, the state treasurer shall make available to such bank, not later than one business day prior to the date on which any principal of or interest on such bonds is due and payable, funds sufficient to pay such principal and interest due on such date.

Section 22. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 23. Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama, is hereby repealed.

Section 24. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 15; Nays 14.

Yeas:

Senators:	Cabaniss	Dixon	Horn
Amari	deGraffenried	Ellis	Manley
Barron	Denton	Hale	Menton
Bedsole	Dial	Hand	Rice

—15

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Nays:

Senators:	Campbell	Foshee	Parsons	
Bailey	Corbett	Hilliard	Sanders	
Bedford	Drinkard	Holmes	Smith (J)	
Bennett	Figures	Langford		—14

The question then recurred on the Committee substitute for the Bill, H. B. 747.

On motion of Senator deGraffenried, further consideration of the Bill, H. B. 747, and pending substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 46, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Bailey	deGraffenried	Figures	Menton	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Hilliard	Sanders	
Bennett	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard	Langford		—22

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 46. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

was read a third time at length and passed.

Yeas 24; Nays 1.

Abstaining 1.

Yeas:

Senators:	deGraffenried	Figures	Manley	
Bailey	Denton	Foshee	Menton	
Bedford	Dial	Goodwin	Preuitt	
Bedsole	Dixon	Hale	Rice	
Bennett	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (J)	
Campbell				—24

Nay: Senator Hand —1

Abstaining: Senator Corbett —1

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., S. B. 156, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Parsons	
Bedford	Dial	Hand	Preuitt	
Bedsole	Dixon	Hilliard	Rice	
Bennett	Drinkard	Holmes	Sanders	
Cabaniss	Ellis	Langford	Smith (J)	—27

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 156. Relating to the state employees' retirement system; to provide that any active state employee who stands for election to the board of control shall be vested under the retirement system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Holmes	
Bailey	Corbett	Figures	Manley	
Barron	deGraffenried	Foshee	Menton	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Hand	Sanders	
Bennett	Dixon	Hilliard	Smith (J)	
Cabaniss	Drinkard			—25

Nays: —0

On motion of Senator Dixon, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 156.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., S. B. 298, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Hilliard	Preuitt	
Bailey	Denton	Holmes	Rice	
Barron	Dial	Manley	Sanders	
Bedford	Hale	Menton	Smith (J)	
Bedsole	Hand			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 298. To authorize the legislative council to employ legal counsel in certain instances and to provide for the manner of compensating said legal counsel.

was taken up.

Senator Bedford offered the following amendment to the Bill, S. B. 298, to-wit:

AMENDMENT TO S. B. 298

Amend Senate Bill No. 298 Page 1 Line 26, by inserting after the word strike the “.” and add the following “when the legislature is in session no lawsuit shall be filed or intervened in without a majority vote of the Legislature in the form of an SJR or HJR.”

On motion of Senator Manley, further consideration of the Bill, S. B. 298, and pending amendment, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 113, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Menton	
Bailey	Cabaniss	Figures	Preuitt	
Barron	Campbell	Hale	Rice	
Bedford	Dial	Langford	Sanders	
Bedsole	Drinkard	Manley	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 113. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Bailey	Corbett	Hale	Preuitt	
Bedsole	deGraffenried	Hand	Rice	
Bennett	Dial	Langford	Sanders	
Cabaniss	Ellis	Manley	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., S. B. 304, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hale	Menton	
Bailey	Dial	Hand	Preuitt	
Bedsole	Dixon	Holmes	Rice	
Campbell	Ellis	Langford	Sanders	
deGraffenried	Figures	Manley		—18

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 304. To authorize and provide the procedure for employees of certain counties, cities and towns and members of the legislature to be covered under the state employees' health insurance plan; to provide for the payment of the premiums for employees and their dependents and members of the legislature and their dependents; to provide for the termination of coverage under this act; and to require the state employees' insurance board to promulgate rules and regulations as may be required for the effective administration of the provisions of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 0.

Abstaining 2.

Yeas:

Senators:	Denton	Figures	Menton	
Bailey	Dixon	Holmes	Preuitt	
Cabaniss	Drinkard	Langford	Rice	
Campbell	Ellis	Manley	Sanders	
Corbett				—16

<i>Nays:</i>				—0
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Abstaining:

Senators:	Hale	Hand		—2
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On motion of Senator Langford, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 304.

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 503, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Bailey	Denton	Hale	Parsons	
Bedford	Dial	Hand	Rice	
Bedsole	Dixon	Holmes	Sanders	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss				—20

<i>Nays:</i>				—0
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 503. To authorize the State Department of Veterans' Affairs to operate a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home and to create a veterans' home trust fund.

was taken up.

Senator Bedford offered the following substitute for the Bill, S. B. 503, to-wit:

SUBSTITUTE FOR S. B. 503

**A BILL
TO BE ENTITLED
AN ACT**

To authorize the State Department of Veterans' Affairs to provide for the operation of a State Veterans' Home or Homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; and to create a veterans' health care trust fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative Findings. The Legislature hereby finds and determines that there is needed and under construction in Alexander City, Alabama, a State Veterans' Nursing Home which will provide for health, nursing, and rehabilitative services for those residents of this state who have served their state and nation in its armed forces. As used in this act, the term "veteran" shall have the same meaning ascribed to such term in Section 31-5-1, Code of Alabama 1975, as amended.

Section 2. Authorization to Receive Federal Aid, Private Gifts; Authorization to Expend Funds. The State Department of Veterans' Affairs is designated as the agency of this state to receive federal aid under Title 38, U.S.C., Sections 641 and 642, as amended, and is authorized and directed to receive from the United States Veterans Administration or any other agency of the United States government authorized to pay federal aid to states for soldiers' homes under Title 38, U.S.C., Sections 641 and 642, as amended, and of any other federal law or act of Congress providing for the payment of funds to states for the care of or support of disabled soldiers and sailors in the state homes. The department is authorized to receive from any source gifts, contributions, bequests, and individual reimbursements, the receipt of which does not exclude any other source of revenue. All funds received by the department shall be deposited in the State Treasury in the Alabama Veterans' Health Care Trust Fund and such funds expended per authorization of the State Board of Veterans' Affairs.

Section 3. Authorization for Operation of State Veterans' Homes. The department is hereby authorized to provide for the operation of a State Veterans' Home or Homes for the care and support of elderly and disabled veterans in the State of Alabama as prescribed herein. The Legislature

further finds and determines that there may be the need for additional or new services at such home or need for additional homes to be determined under the process as prescribed in this act. Any home in addition to the one located in Alexander City, Alabama, or any proposed new service or proposed change of service or any retirement then deemed applicable shall be subject to the Certificate of Need process, the Department of Public Health Division of Licensure and Certification and any and all review and approval processes, criteria, statutory and administrative rules and regulations then applicable to any proposed privately-owned and/or operated nursing home facility or health care provider seeking to operate in Alabama. All State Veterans' Nursing Homes, domiciliaries, hospitals or any other health related activities shall be subject to all the rules and regulations governing and controlling the operation of a privately-owned facility or provider of health services in the State of Alabama.

Section 4. Administration of Veterans' Homes.

(a) Each State Veterans' Home established under the authority of this act shall be operated through a professional management services agreement entered into between the State Department of Veterans' Affairs and a nongovernmental entity selected under the procedures prescribed herein.

(b) For each State Veterans' Home established under the provisions of this act, including the first such home in Alexander City, there is hereby established a management services selection committee whose function shall be to select and recommend to the department the vendor determined to be most able to manage and operate each of its State Veterans' Homes. Each committee shall be composed of the Governor (or his or her designee); the State Director of Finance; one member of the Alabama Legislature to be appointed by the Governor; and two members of the State Board of Veterans' Affairs, to be selected by the Board. State Veterans' Homes may be managed by the same vendor or by different vendors as determined by the appropriate committee to be in the best interest of the state. Staff support for a management services selection committee shall be provided by the State Department of Veterans' Affairs.

(c) The following procedures shall be utilized by the committee in selecting a vendor or vendors to operate a State Veterans' Home:

Contracts for the procurement of services required to manage, administer and operate a State Veterans' Home shall be awarded on a competitive basis through the solicitation of proposals. Said contract may be awarded to the vendor whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors, management plan, excellence of program design, key personnel, corporate or company resources, financial condition of the vendor, corporate experience and past performance, and any other requirements deemed necessary by the committee and expressed in its solicitation for proposals. Any contract awarded under this section shall be for a period not to exceed five years. The committee is not required to select the vendor offering the lowest cost proposal but shall select the vendor who, in the committee's discretion, offers the proposal most advantageous to the State of Alabama. Reasons for not selected vendors submitting proposals costing less than the vendor to whom the contract is awarded shall be stated in a formal notification by the committee to the State Board of Veterans' Affairs. Section 41-16-20, et seq., Code of Alabama 1975, are not applicable to the award of contracts provided for herein.

Section 5. Duties and Powers. The State Board of Veterans' Affairs, in conference with the State Service Commissioner of Veterans' Affairs, shall have the authority exclusively:

(a) To apply for and accept gifts, grants, and other contributions from the federal government or from any other governmental unit;

(b) To use the funds received from the federal government or from any other governmental unit for the purposes authorized and directed by the federal government or such other governmental unit in making the funds available;

(c) To accept and use gifts, grants, donations, and contributions of real estate, both vacant and improved, facilities, services or other property from individuals, firms, corporations, organizations, and associations and from county and municipal corporations and their subdivisions, plus any other sources of revenue for any State Veterans' Homes.

Section 6. State Veterans' Health Care Trust Fund. There is hereby created in the State Treasury a trust fund for the Alabama Department of Veterans' Affairs, to be known as the Alabama Veterans' Health Care Trust Fund. The said trust fund shall consist of all funds and monies received by the State Board of Veterans' Affairs and/or the Alabama State Department of Veterans' Affairs, from the United States, any federal agency, institution, gifts, contributions, bequests, any individual reimbursements, and not excluding any other source of revenue, for the care or support of war veterans, discharged other than under dishonorable conditions, who have been admitted and cared for at the Alabama Department of Veterans' Affairs State Veterans' Home. Nothing contained herein prohibits the establishment and utilization of special agency accounts by the Department of Veterans' Affairs and its constituent institutions, as may be approved by the State Board of Veterans' Affairs for the receipt and disbursement of the personal funds of State Veterans' Home patients and members and/or for receipt and disbursement of charitable contributions and donations for use by and for patients and members. The trust fund herein created shall be used by the Alabama Department of Veterans' Affairs to pay for the care of war veterans, discharged other than under dishonorable conditions, in said State Veterans' Home and to pay the general operating expenses of the State Veterans' Home, including the payment of professional management services. Further provided, that funds in said trust fund in excess of those funds necessary to maintain and operate any existing home may be used to remodel, repair, construct, build additions, modernize, or add improvements of domiciliary or hospital buildings necessary for the care of veterans, plus architectural plans, specifications, or other costs pertinent thereto as approved by appropriate state agencies. All funds deposited plus income earned on the investment or reinvestment shall be credited to the trust fund created herein. Any money remaining in the fund at the end of each fiscal year shall remain on deposit in the State Treasury to the credit of the Alabama Veterans' Health Care Trust Fund. No funds shall be withdrawn or expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of article 4 of chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill. All capital expenditures from said trust fund shall be made upon warrants issued by the State Comptroller drawn on account held by the State Treasury based upon claims, approved by the State Board of Veterans' Affairs, as provided in this section.

Section 7. Admissions and Discharges; Rules and Regulations Concerning. Admissions to and discharges from any Alabama State Veterans' Home shall be in accordance with the policies and procedures as established by the State Board of Veterans' Affairs at the time application for admission or for discharge is presented; provided, however, that the State Veterans' Home may admit and discharge veterans who qualify for care and treatment under Title 38, U.S.C., Section 101 (19) and Section 641, and may adopt appropriate rules consistent with state and federal regulations applicable to privately-owned nursing homes operated in Alabama.

Section 8. Annual Reports and Budgets. The State Board of Veterans' Affairs shall report to the Governor annually respecting the activities of the State Department of Veterans' Affairs in connection with operation of the State Veterans' Homes. This report shall contain an accounting for all monies received and expended, statistics on veterans who resided in the homes during the year, recommendations to the Governor and the Legislature and such other matters as the said Governor (or his or her designee) shall deem pertinent. The State Service Commissioner, with the approval of the State Board of Veterans' Affairs, shall compile an annual budget request as necessary, respecting needs for state funding from the State Veterans' Health Care Trust Fund for anticipated costs of such homes, which request shall be submitted to the Department of Finance in conjunction with the State Department of Veterans' Affairs annual budget requests.

Section 9. Repealer. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Bailey	Corbett	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Langford	Smith (J)
Cabaniss	Ellis		

—21

Nays:

—0

And said Bill, S. B. 503, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

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Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Figures	Menton	
Bailey	Denton	Hale	Preuitt	
Bedford	Dial	Hand	Rice	
Bedsole	Drinkard	Holmes	Sanders	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss				—20

Nays: —0

On motion of Senator Rice, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 503.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 49, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Manley	
Bailey	Campbell	Figures	Menton	
Bedford	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Sanders	
Bennett	Dixon	Langford	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 49. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Langford	
Amari	Campbell	Ellis	Manley	
Bailey	Corbett	Figures	Menton	
Bedford	deGraffenried	Hale	Sanders	
Bedsole	Denton	Hand	Smith (J)	
Bennett	Dial			—21

Nays: —0

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills

with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 27. To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

Also:

S. 58. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Also:

S. 400. To create additional circuit and district judgeships and provide certain appropriations.

Also:

S. 404. To amend Section 32-5A-194, Code of Alabama, 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences and providing further for chemical tests.

Also:

S. 412. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama

Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

BILL DRINKARD,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 280, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton	
Bailey	deGraffenried	Figures	Preuitt	
Barron	Denton	Hale	Sanders	
Bedford	Dixon	Hand	Smith (J)	
Cabaniss	Drinkard	Hilliard		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 280. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 280, to-wit:

AMENDMENT TO S. B. 280

Amend Senate Bill No. 280 Page 1, Line 25, by inserting after the word "employment." the following sentence:

"This insurance coverage shall be done by public bids submitted to the State Finance Director after three weeks of public notice of said solicitation of bids." and renumber the following lines.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Hand	
Amari	Campbell	Drinkard	Langford	
Bailey	deGraffenried	Ellis	Menton	
Barron	Denton	Figures	Preuitt	
Bedford	Dial	Hale	Sanders	—19

Nays: —0

And said Bill, S. B. 280, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Manley	
Amari	Denton	Hand	Menton	
Bailey	Dixon	Hilliard	Preuitt	
Barron	Drinkard	Holmes	Rice	
Bedford	Figures	Langford	Sanders	
Cabaniss				—20

Nays: —0

On motion of Senator Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 280.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., S. B. 300, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Figures	Menton	
Barron	Denton	Hale	Preuitt	
Bedford	Dial	Hand	Rice	
Bedsole	Dixon	Hilliard	Sanders	
Bennett	Drinkard	Langford	Smith (J)	—23

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 300. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, and to authorize the obtaining of liability insurance to cover such employees.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 300, to-wit:

SUBSTITUTE FOR S. B. 300

**A BILL
TO BE ENTITLED
AN ACT**

To require municipal corporations of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, provided the action of the employee was neither intentional or wilful or wanton, and to authorize the obtaining of liability insurance to cover such employees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Whenever any employee of a municipal corporation of the State of Alabama shall be sued for damages arising out of the performance of his official duties, and while operating a motor vehicle or equipment engaged in the course of his employment, such government agency shall be authorized and required to provide defense counsel for such employees in such suit and to indemnify him from any judgment rendered against him in such suit. In no event shall a municipal corporation of the state be required to provide defense and indemnity for employees who may be sued for damages arising out of actions which were either intentional or wilful or wanton.

Section 2. All municipal corporations of the State of Alabama are hereby authorized to contract at governmental expense for policies of liability insurance to protect employees in the course of their employment.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford
Bailey	Corbett	Figures	Manley
Barron	deGraffenried	Foshee	Menton
Bedford	Denton	Hale	Preuitt
Bedsole	Dial	Hand	Sanders
Bennett	Drinkard	Holmes	Smith (J)
Cabaniss			

—24

Nays: —0

And said Bill, S. B. 300, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Bailey	Corbett	Foshee	Menton
Barron	deGraffenried	Hale	Preuitt
Bedford	Denton	Hand	Rice
Bedsole	Dial	Holmes	Sanders
Bennett	Dixon	Langford	Smith (J)
Cabaniss	Drinkard		

—25

Nays: —0

On motion of Senator Corbett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 300.

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 150, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Bailey	Campbell	Figures	Menton	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Hand	Sanders	
Bennett	Drinkard	Holmes		—22

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 150. This bill permits the use of blood tests for intoxication in cases of death or serious physical injury and provides penalties for non-compliance. was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 150, to-wit:

SUBSTITUTE FOR S. B. 150

A BILL TO BE ENTITLED AN ACT

This bill permits the use of blood tests for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. If a law enforcement officer has probable cause to believe that a vehicle was driven by or in the actual physical control of a person under the influence of alcoholic beverages or controlled substances, or a combination thereof, has caused or contributed to the death or serious physical injury of a human being, such person shall submit, upon the request of a law enforcement officer, to a test of his blood, breath, or urine or a combination of such tests, for the purpose of determining the alcoholic content thereof or the presence of controlled substances therein. The blood test shall be performed in a reasonable manner. Serious physical injury means a physical condition which creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 2. For the purposes of this Act, only a registered nurse, duly licensed chemical laboratory technologist or clinical laboratory technician may withdraw blood for the purpose of determining the alcoholic content thereof or the presence of controlled substances therein. No physician,

registered nurse, or duly licensed chemical laboratory technologist, or clinical laboratory technician, or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer.

Section 3. When requested in writing by a law enforcement officer, it shall be a Class A misdemeanor for any registered nurse, duly licensed chemical laboratory technologist or clinical laboratory technician, to refuse or resist in administering a blood test to such person.

Section 4. The person who is directed to submit to such test or tests of his blood, breath, or urine shall be told that his failure to submit to such test or tests will result in the revocation of his privilege to operate a motor vehicle for a period of one year. The Director of Public Safety, upon the receipt of a sworn report that such person has refused to submit to a test or tests as directed by this Act, shall revoke for a period of one year the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state given to a nonresident.

Section 5. If any part of this Act is declared invalid or unconstitutional, then all remaining parts thereof shall become invalid, inoperative and of no further effect.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Hand offered the following amendment to the substitute for the Bill, S. B. 150, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 150

Amend the Substitute for Senate Bill No. 150 Line 6, by striking out after the word "a," the following "class A" and insert the following "class B".

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley
Bailey	deGraffenried	Foshee	Menton
Barron	Denton	Hale	Preuitt
Bedford	Dial	Hand	Rice
Bedsole	Drinkard	Holmes	Sanders
Bennett			

—20

Nays: —0

And said Bill, S. B. 150, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 1.

Abstaining 2.

Yeas:

Senators:	Cabaniss	Ellis	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	deGraffenried	Hale	Preuitt	
Bedford	Denton	Hand	Rice	
Bedsole	Dial	Holmes	Smith (J)	
Bennett	Drinkard			—21

<i>Nay:</i> Senator Corbett	—1
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Abstaining:

Senators:	Figures	Sanders	—2
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On motion of Senator Hand, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 150.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., S. B. 426, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Preuitt	
Bedford	Dial	Hand	Rice	
Bedsole	Drinkard	Holmes	Sanders	
Cabaniss	Ellis	Langford	Smith (J)	—23

<i>Nays:</i>	—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

S. 426. To define the crime of juror harassment; to prescribe for criminal felony punishment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Bailey	Corbett	Figures	Menton	
Barron	deGraffenried	Hale	Preuitt	
Bedsole	Denton	Hand	Sanders	
Bennett	Dial	Holmes	Smith (J)	
Cabaniss	Drinkard			—21

<i>Nays:</i>	—0
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REGULAR SESSION
27th Day

1769

On motion of Senator Figures, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 426.

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., S. B. 627, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Bailey	deGraffenried	Foshee	Preuitt	
Bedford	Dial	Hale	Rice	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard	Holmes	Smith (J)	
Cabaniss	Ellis	Manley		—22

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 627. To further provide for certain purchases by local boards of education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Bailey	deGraffenried	Foshee	Menton	
Barron	Denton	Hale	Rice	
Bedford	Dial	Hand	Sanders	
Bedsole	Dixon	Holmes	Smith (J)	
Cabaniss	Drinkard			—21

Nays: —0

On motion of Senator Hand, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 627.

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., S. B. 352, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Langford	
Bailey	deGraffenried	Figures	Manley	
Bedford	Denton	Hand	Menton	
Bedsole	Dial	Holmes	Preuitt	
Bennett	Dixon	Horn	Rice	
Cabaniss	Drinkard			—21

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 352. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed \$20,000,000 for such purposes; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services for occupancy by its components; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds; and to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 352, to-wit:

SUBSTITUTE FOR S. B. 352**A BILL
TO BE ENTITLED
AN ACT**

To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority; to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount

of bonds which shall not exceed in aggregate face amount issued, regardless of subsequent retirement of principal, \$20,000,000, exclusive of temporary obligations and refunding bonds; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services to carry out its statutory purposes or to others; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances; and to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following terms, wherever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this act.

(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

(3) **BONDS.** When used with reference to debt instruments issued by the authority, means bonds, notes and other forms of indebtedness.

(4) **BUILDING COMMISSION.** The Building Commission created by Act No. 128, adopted at the 1945 Regular Session of the Legislature of the state, and any successor agency thereto.

(5) **DEPARTMENT.** The Department of Youth Services of the state as constituted at the time of the adoption of this act or at any time subsequent thereto.

(6) **DIRECTOR.** The Director of the Department.

(7) **GOVERNMENT SECURITIES.** Any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

(8) **PERMITTED INVESTMENTS.** a. Government securities;

b. Bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies, to the extent that such obligations are unconditionally secured by the full faith and credit of the United States of America: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States of America; Federal Land Banks; and Farmers Home Administration; or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States of America as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally secured by the full faith and credit of the United States of America;

c. Time deposits evidenced by certificates of deposit issued by banks or savings institutions; provided that, to the extent such time deposits and the interest thereon exceed available federal deposits insurance, such time deposits are fully secured by obligations described in paragraphs a. or b. above, which at all times have a market value (exclusive of accrued interest) at least equal to such time deposits so secured, including interest;

d. Repurchase agreements for obligations of the type specified in paragraphs a. and b. above, provided such repurchase agreements are fully collateralized and secured by obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements and which are held by a depository satisfactory to the state treasurer in such manner as may be required to provide a perfected security interest in such obligations.

(9) STATE. The State of Alabama.

(10) YOUTH CARE FACILITIES. One or more buildings, and the site or sites therefor, to be constructed and acquired in one or more places in the state and designed primarily for the use of the department and any equipment and other facilities or construction necessary or useful in connection with such building(s), including but not limited to classrooms, cafeterias, recreation facilities, dormitories, offices, furnishings, file rooms, parking facilities, electrical, gas, sanitary, water or other utilities, and the like.

(11) Pronouns used in this act shall include all applicable benders.

Section 2. It is the intent of the legislature by the passage of this act to authorize the Governor, the Director of Finance and the Director to organize a public corporation for the purpose of acquiring, constructing, installing, equipping, operating and maintaining youth care facilities, and to vest such corporation with all powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose. This act shall be liberally construed in conformity with the purpose expressed.

Section 3. The Governor, the Director of Finance, and the Director may become a public corporation with the powers and authorities hereinafter provided, by proceeding according to the provisions of this act.

Section 4. To become a corporation, the Governor, the Director of Finance, and the Director shall present to the Secretary of State an application signed by each of them which shall set forth:

(1) The name, official designation, and official residence of each of the applicants, together with a certified copy of the document evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be "Alabama Youth Care Authority" or a similar name if a different name is required to enable the Secretary of State to make the finding required herein;

(4) The location of the principal office of the proposed corporation, which shall be Montgomery, Alabama; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgments to deeds.

The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section and that the name proposed in the application is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as provided in Section 4, the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application, whereupon the applicants shall constitute a public corporation of the state under the name proposed in the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the authority.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the authority. The Governor shall be the chairman of the authority, the Director shall be the vice chairman of the authority and the Director of Finance shall be the secretary of the authority. The State Treasurer shall be the treasurer of the authority but shall not be a member of the authority. The authority, at its option, may appoint an assistant secretary who shall not be a member of the authority. The board of directors shall be the governing body of the authority. The presence of two members of the board of directors shall constitute a quorum for the transaction of business. Neither a vacancy in the membership of the board of directors nor the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the board of directors to act. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member, officer, or director, as the case may be, of the authority. No member, officer, or director of the authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the authority. All resolutions adopted by the board of directors shall constitute actions of the authority, and all proceedings of the board of directors shall be reduced to writing by the secretary or assistant secretary of the authority and shall be recorded in a substantially bound book and filed in the office of the Director of Finance. Copies of such proceedings, when certified by the secretary of the authority under the seal of the authority, shall be received

in all courts as prima facie evidence of the matters and things therein certified.

There shall be established a Legislative Oversight Committee to provide consultation and advice to the board of directors concerning the efficient operation of the authority. The oversight committee shall consist of three members of the House of Representatives appointed by the Speaker of the House, at least one of which shall be a member of the House Judiciary Committee, and three members of the Senate appointed by the Lieutenant Governor, at least one of which shall be a member of the Senate Judiciary Committee. After their initial appointment, the members of the oversight committee shall be named at each organizational session of the legislature, and all members shall serve until their successors are properly qualified so long as they are members of the house from which they were appointed. All members of the oversight committee shall be entitled to their actual expenses incurred in the performance of their duties as members of the committee.

Section 7. The board of directors shall meet at such times upon such notice as it shall determine.

Section 8. The authority shall have the following powers among others specified in this act:

(1) To have succession by its corporate name until dissolved as provided in this act;

(2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) To make and alter all needful bylaws, rules and regulations for the transaction of the authority's business and control of its property and affairs;

(5) To provide for the acquisition, leasing, purchase, construction, installation, equipping, operation and maintenance of youth care facilities;

(6) To receive, take and hold by sale, gift, lease, devise or otherwise, real, personal and mixed property of every description, and to manage the same;

(7) To acquire by purchase, gift, lease or the exercise of the power of eminent domain, or any other lawful means, and to transfer, lease, sell, convey or cause to be transferred, leased, sold or conveyed to the state, any real, personal or mixed property;

(8) To exercise the right of eminent domain as freely and completely as, and in the same manner as, the state is empowered to exercise such right;

(9) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;

(10) As security for payment of the principal of and the interest on its bonds, to pledge any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for all or any of its bonds, including letters of credit, bond insurance policies, surety bonds and the like, as the board of directors shall determine to be necessary or desirable;

(11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate purpose and to exercise any power necessary for the accomplishment of the purposes of the authority or incidental to the powers expressly set out herein; and

(12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the board of directors, be necessary or desirable.

Section 9. The authority is hereby authorized from time to time to sell and issue its interest-bearing or noninterest-bearing bonds, in one or more series, not to exceed an aggregate principal amount of \$20,000,000, whenever issued and regardless of retirement of principal of bonds theretofore issued, but excluding refunding bonds described herein, for the purpose of providing funds for the acquisition, purchase, leasing, construction, installation and equipping of youth care facilities, and for payment of obligations incurred for any of said purposes.

Bonds of the authority may be in such form and denominations, may be of such tenor, may be payable or subject to mandatory redemption in such installments and at such time or times not exceeding 30 years from their date, may be payable at such place or places, may bear interest at such rate or rates payable and evidenced in such manner and on such dates or may be structured to bear no interest or to reflect compound interest and may be secured in such manner, and may be subject to optional or mandatory redemption at such time or times, all as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board of directors whereunder said bonds shall be authorized to be issued. Bonds of the authority may be sold at such price or prices and at such time or times as the board of directors may consider advantageous, either at public or private sale and by negotiation or by competitive bid. Bonds of the authority sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the authority for the bonds being sold, computed from their date to their respective mandatory redemption dates or maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids. The authority may fix the terms and conditions under which each sale of bonds may be held; provided, that such terms and conditions shall not conflict with any of the requirements of this act. The authority may allow or pay, from the proceeds of sale of its bonds, all expenses, fees, premiums, discounts, insurance premiums and commissions as the board of directors may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. Neither a public hearing nor consent of the Department of Finance or any other department or agency of the state shall be a prerequisite of the issuance of bonds by the authority. All bonds issued by the authority shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence that the said bonds have been duly authorized pursuant to the provisions of this act.

Section 10. All bonds of the authority shall be signed by its chairman or vice chairman, and the seal of the authority shall be affixed thereto and attested by its secretary or assistant secretary. The signatures of the chairman, vice chairman, secretary and assistant secretary may be facsimile signatures and a facsimile of the seal of the authority may be imprinted on the bonds if the board of directors, in its proceedings with respect to issuance of such

bonds, provides for manual authentication of such bonds by a trustee or paying agent or by named individuals who are employees of the state and who are assigned to the Department of Finance or Office of the State Treasurer. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of such bonds.

Section 11. All proceeds derived from the sale of any bonds (except refunding bonds) by the authority remaining after payment of the expenses of issuance thereof shall be turned over to the state treasurer, shall be carried in a specific account of the state treasury to the credit of the authority, and shall be subject to be drawn on by the authority solely for the purposes of funding any required reserve fund, acquiring, purchasing, leasing, constructing, installing and equipping youth care facilities and paying all reasonable and necessary expenses incidental thereto, including interest which shall accrue on said bonds during the construction of the youth care facilities. Any balance of said proceeds thereafter remaining shall, upon completion of the youth care facilities financed thereby and the payment of all costs in connection therewith, be used for the redemption of bonds of the authority at the earliest permissible date.

Section 12. The authority shall proceed with the acquisition, purchase, leasing, construction, installation and equipping of the youth care facilities as soon as may be practicable following the sale of any of the authority's bonds. Such acquisition, purchase, leasing, construction, installation and equipping shall be done by the authority under the supervision of the Building Commission upon the award of a contract or contracts for each part of the work to the lowest responsible bidder after advertisement for and public opening of sealed bids; provided, that for the purpose of determining the lowest responsible bidder, the invitation for bids and the bidding documents shall be so arranged that alternates from the base bid shall constitute cumulative deductions from the base bid in the event such alternates should be selected. All such contracts shall be lump sum contracts and shall be awarded and executed by the authority to the respective lowest responsible bidders following determination by the Building Commission of the lowest responsible bidder. Payments made under any such contracts shall be only upon the contractor's written, verified statements when approved by the Building Commission or its agent, in such amounts as the Building Commission may approve as having been then earned under such contracts. The Building Commission shall be reimbursed from bond proceeds for all reasonable direct costs incurred by it in connection with such acquisition, purchase, leasing, construction, installation and equipping including expenses and fees for the preparation of plans, specifications and contract documents and supervision and inspection of the work. Such plans and specifications may be revised and extras may be added to the contracts only when approved by the Building Commission and only to the extent that funds are available therefor.

Section 13. For the purpose of providing funds for the payment of the principal of, premium, if any, and interest on the bonds issued by the authority under the provisions of this act, there is hereby created and irrevocably pledged to the payment of such obligations a special and continuing fund which shall consist of all receipts and income from rents contracted for and received by the authority under leases of the youth care facilities constructed with the proceeds from the sale of bonds. Moneys on deposit in said fund shall not be diverted or used for any other purpose if

needed for the payment of the principal of, premium, if any, or interest on the bonds of the authority.

Section 14. Any resolution of the board of directors authorizing the issuance of bonds may contain any provisions or agreement customarily contained in instruments securing evidences of indebtedness, including, without limiting the generality of the foregoing, a pledge, transfer or assignment of any leases of any youth care facilities out of the revenues from which such bonds are payable and a pledge of such revenues. Any such resolution may also contain provisions respecting the collection and application of any revenues pledged to the payment of the authority's bonds, the terms to be incorporated in lease agreements respecting youth care facilities out of the revenues from which such bonds are payable, the maintenance of and insurance on such youth care facilities, the creation and maintenance of reserve and other special funds from such revenues or from the proceeds of the authority's bonds, and the rights and remedies available in the event of default to the holders of the bonds, all as the authority may deem advisable and as shall not be in conflict with the provisions of this act. If there be any default by the authority in the payment of the principal of or interest on the bonds or in any of the agreements on the part of the authority which may be included in any resolution in which any of the bonds are authorized to be issued, any holder of any of the bonds may either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment and compel performance of all duties of the board of directors and officers of the authority, and shall be entitled, as a matter of right and regardless of the sufficiency of any such security or the availability of any other remedy, to the appointment of a receiver in equity with all the power of such receiver for the maintenance, insurance, and leasing of the youth care facilities covered by such resolution and the collection and application of such revenues; provided, however, that no such resolution shall grant any lien subject to foreclosure, nor shall such resolution be construed so as to compel the sale of any of the youth care facilities of the authority in satisfaction of the bonds secured thereby. Any such resolution may contain provisions regarding the rights and remedies of the holders of the bonds and may contain provisions restricting the individual rights of action of the holders of the bonds.

Section 15. From the fund to be pledged pursuant to the provisions hereof, the state treasurer is authorized and directed to pay or provide for the payment of the principal of, premium, if any, and interest on the bonds by the paying agent therefor, as such principal and interest shall respectively mature, and is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 16. The authority, as lessor, and the department, as lessee (acting by and through the Director and his designee) are hereby authorized to enter into a lease or leases for the use and occupancy by the Department of any or all of the youth care facilities constructed by the authority under the provisions of this act. The term of such lease or leases may commence, at the discretion of the authority and the lessee, at such time as the youth care facilities are completed and available for occupancy or at such time as the site for such youth care facilities is made available for construction of the youth care facilities. The responsibilities for control, management and maintenance of the youth care facilities shall be, and any lease entered by the authority, as lessor, shall provide that the control, management and maintenance of such facilities are, vested in the lessee.

Leases by the authority to any entity other than the department or any other department or agency of the state may be for such period of time

ending not later than the final maturity of all bonds of the authority then outstanding, as may be permitted by law for any such lessee, or for any shorter period of time, with such renewal options as may be agreed upon between the parties and shall be in compliance with law and shall not extend the term of any such lease beyond the final maturity of the bonds of the authority then outstanding.

Should any space become vacant in the facilities constructed by the authority, the authority may enter into a lease or leases of such space with any public entity. If any space remains vacant after an attempt to lease to public entities, the authority may enter into a lease of such space with private entities but only in order to prevent default on the bonds of the authority. Any such lease with a private entity shall not be for the purpose of competing with private enterprise or for lending public credit but shall be solely for the use and benefit of the holders of the authority's bonds to avoid default thereon and to ensure the prompt payment of the principal thereof and interest thereon when due. No vacant space shall be left available in the said youth care facilities so long as the principal of or interest on any bonds, including refunding bonds, issued by the authority remains unpaid.

Leases by the authority of the youth care facilities financed from the proceeds of the authority's bonds shall in the aggregate provide for rental payments sufficient to pay debt service on the bonds of the authority due and payable during the term of such leases. Rental payments shall be due in advance on the first day of the fiscal year and shall, upon being so paid, entitle the lessee to quiet possession and shall obligate the lessee to provide maintenance, repairs, utilities and other customary building services, as agreed upon in the lease for the remainder of said fiscal year. The rental payment for the first year or part of a year shall be due and payable when the authority notifies the lessee that the space is tenantable, and the rent for the remainder of the then current fiscal year shall be prorated in the same ratio as the number of days remaining in such fiscal year bears to 365. Notwithstanding the foregoing, leases of the youth care facilities may provide for monthly rental payments so long as the obligation of the lease is absolute and unconditional.

Leases by the authority to the department or any other department or agency of the state may contain and grant to the lessee successive options of renewing the said lease on the terms specified therein for any subsequent fiscal year, provided that no lease to the state or any agency or department thereof, nor liability for the payment of rent, shall ever be for a term longer than one fiscal year. So long as the state or any department or agency thereof is the lessee of the youth care facilities, the obligation to pay rent and each covenant on the part of the state or such department or agency, shall be paid and performed solely out of the current revenues of the state or of such department or agency, for the fiscal year for which the lease is effective. Any such lease may contain appropriate provisions as to the method by which the lessee may, at its election, exercise any of the said options of renewal.

In the event that the youth care facilities of the authority or any portion thereof should become vacant or not be used by the department, the department shall not obtain by lease any similar facilities to those which are vacant or not used so long as the youth care facilities of the authority or any portion thereof shall remain vacant or unused and so long as any of the bonds of the authority shall remain outstanding and unpaid.

Section 17. Any portion of the principal proceeds derived from the sale of the bonds which the board of directors may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on the order of the authority, be invested by the state treasurer in permitted investments which mature at such time or times as the authority shall direct. Any such investments may, at any time and from time to time on the order of the authority, be sold or otherwise converted by the state treasurer into cash. The income derived from any such investments shall be disbursed on order of the authority for any purpose for which it may lawfully expend funds.

Section 18. Any bonds issued by the authority may from time to time thereafter be refunded by the issuance of refunding bonds of the authority. Any such refunding bonds may be issued regardless of whether the bonds to be refunded shall have then matured or shall thereafter mature, and such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof to the payment or redemption of the bonds so refunded or by exchange of the refunding bonds for those to be refunded thereby; provided, that the holders of any bonds so refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the authority, according to their terms. Any refunding bonds of the authority shall be payable from and secured by the revenues out of which the bonds to be refunded thereby were payable. The proceeds derived from any sale of refunding bonds remaining after paying the expenses of their issuance shall be applied to the purchase, redemption or payment of such outstanding bonds or the said proceeds may be invested in permitted investments pursuant to an escrow or trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be defeased if the authority, in its proceedings regarding issuance of the refunding bonds, provides for and establishes a trust or escrow fund comprised of moneys or government securities, or both, sufficient to pay, when due or upon their earlier redemption, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor, shall no longer be the obligations of the authority and shall be secured solely by and payable from the moneys and government securities deposited in such trust or escrow fund.

Section 19. Any resolution authorizing any bonds hereunder shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this act, notwithstanding the provisions of any other law in force or hereafter enacted or amended. Upon the passage of any resolution providing for the issuance of bonds under the provisions of this act, the authority may, in its discretion, cause to be published once in each of two consecutive weeks in a newspaper published and having general circulation in the City of Montgomery, Alabama, a notice in substantially the following form (the blanks being first properly filled in):

“Alabama Youth Care Authority,” a public corporation in the State of Alabama, on the _____ day of _____, 19____, adopted a resolution providing for the issuance of _____

dollars principal amount of bonds of said authority. Any action or proceeding questioning the validity of said resolution or said bonds or the pledge and agreements made in said resolution for the benefit thereof, or the proceedings under which said bonds, pledge and agreements were authorized, must be commenced within twenty days after the first publication of this notice.

By: _____
Its Chairman

Any civil action or proceeding in any court seeking to set aside or invalidate a resolution providing for the issuance of bonds under the provisions of this act or to contest the validity of any such bonds, or the validity of any pledge or agreement made therefor, must be commenced within 20 days after the first publication of said notice. After the expiration of 20 days following such first publication, no right of action or defense founded upon the validity of the resolution or other proceedings, if any, or of the bonds, or of the pledge or agreements, shall be asserted. In the event of such publication, the validity of such resolution, bonds, pledge or agreements shall not be open to question in any court upon any ground whatsoever, except in a civil action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this act shall be brought in the circuit court of Montgomery County.

Section 20. The properties of the authority and the income therefrom, all lease agreements made by the authority, all bonds issued by the authority and the income therefrom and all notices, assignments and financing statements filed with respect thereto shall be forever exempt from any and all taxation in the state.

Section 21. All bonds issued by the authority shall be construed to be negotiable instruments subject to the registration provisions pertaining to ownership and transfers, even though they are payable from a limited source.

Section 22. All contracts made, obligations incurred and bonds issued by the authority shall be solely and exclusively obligations of the authority and shall not create obligations or debts of the state.

Section 23. Any bonds issued by the authority may be used by the holders thereof as security for deposits of any funds belonging to the state or to any instrumentality, agency or political subdivision of the state in any instance where security for such deposits may be required or permitted by law. Any surplus in any state fund and any retirement or trust fund, where the investment thereof is permitted or required by law, may be invested in bonds issued by the authority. Unless otherwise directed by the court having jurisdiction thereof, or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in the bonds of the authority.

Section 24. The authority shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private entity.

Section 25. At any time when the bonds and other obligations of the authority have been paid in full, the authority may be dissolved upon the filing with the Secretary of State of a written statement for dissolution, reciting payment in full of all bonds and other obligations of the authority,

which statement shall be subscribed by each of the members of the authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said written statement for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The Secretary of State shall file and record the written statement for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the authority is dissolved, and shall record the said certificate with the written statement for dissolution.

Section 26. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 27. All laws or parts of laws which conflict with this act are hereby repealed.

Section 28. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 352, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 352

Amend Senate Bill No. 352 on page 1, line 19, after Director of Finance, add "the Lieutenant Governor, the Speaker of the House".

Further amend Senate Bill No. 352 on page 5, line 3, after Director of Finance, add "the Lieutenant Governor, the Speaker of the House".

Further amend Senate Bill No. 352 on page 5, line 11, after Director of Finance, add "the Lieutenant Governor, the Speaker of the House".

Further amend on page 5, line 16, after Finance, add "the Lieutenant Governor, the Speaker of the House".

Further amend on page 6, line 31, after presence of delete "two" and add "three".

Further amend on page 7, line 11, after authority, delete "." and add, "however, legislative members shall be entitled to receive current legislative per diem and expenses while attending the meetings of the authority".

Which was adopted.

Senator Bedsole offered the following amendment to the substitute, as amended, for the Bill, S. B. 352, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 352

Amend Senate Bill No. 352 Page 5 Line 10, by inserting the below new sentence after the word "expressed."

It is furthermore the intent of the legislature that the bonds authorized by this act shall be used only for acquiring, constructing, installing, equipping, operating and maintaining existing youth services campuses or facilities.

Which was adopted.

Senator Parsons offered the following amendment to the substitute, as amended, for the Bill, S. B. 352, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 352

Amend S. B. 352, page 10, section 9, line 10, by inserting after the word bid and adding the following: provided that in selecting and engaging the services of such attorneys (including, without limitation, bond counsel and counsel to the Authority), accountants, financial advisors, underwriters and other advisors, agents or contractors, whether in connection with an issue or series of bonds or any ongoing matters of the Authority, the Authority shall in every case request proposals from qualified parties offering such services by publishing a request for proposals once a week for two consecutive weeks in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, shall fully and fairly review all of such proposals, and shall award such engagement to the proposing party in each case whose proposal is most advantageous to the state, taking into consideration experience, expertise, suitability, cost and other factors designated in the request for proposals. Each of these criteria shall be given relative weight as designated in the request for proposals, with cost retaining the most significant weight. Responsiveness to the request for proposals shall be scored by the Authority for each of the designated criteria. If the proposal selected is not from the party proposing the lowest cost, the Authority shall present its reasons for not recommending an award to such party to the Contract Review Oversight Committee, created pursuant to Code of Alabama 1975, §§ 29-2-40, et seq., or any successor committee. The committee shall evaluate the findings of the Authority and must, by resolution, approve the action of the Authority before the final engagement of, or entering into a contract with, such party. The committee shall also hear any appeals from the recommendation of the Authority by any party who submitted a proposal in which the cost to the Authority was less than the cost set forth in the recommended proposal.

On motion of Senator Dixon, further consideration of the Bill, S. B. 352, and pending amendment and substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Menton, B. I. R., S. B. 271, adopted.

Yeas 15; Nays 3.

Yeas:

Senators:	Campbell	Drinkard	Hale	
Bailey	deGraffenried	Ellis	Hand	
Bedsole	Denton	Figures	Langford	
Cabaniss	Dial	Foshee	Menton	—15

Nays:

Senators:	Corbett	Dixon	Parsons	—3
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BILLS ON THIRD READING RESUMED

THE BILL:

S. 271. To require hospitals to notify all pre-hospital agencies who assisted in delivering a person to a hospital, if the hospital learns said person has an infectious disease.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 3.

Yeas:

Senators:	Bedsole	Denton	Foshee	
Amari	Bennett	Dial	Hale	
Bailey	Campbell	Drinkard	Hand	
Barron	Corbett	Ellis	Menton	
Bedford	deGraffenried	Figures	Sanders	—19

Nays:

Senators:	Cabaniss	Dixon	Preuitt	—3
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On motion of Senator Menton, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 271.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1005. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1005—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1012. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1012—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1015. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1015—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1016. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1016—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 140. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide

that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 140—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 1001. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1001—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1013. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1013—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1017. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1017—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 235. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 235—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes:

H. 1002. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1002—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1008. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1008—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1007. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1007—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1009. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1009—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Junkins, Parker, Poole, Grayson, Hettinger, Fuller, Headley, Thomas, Buskey (JL), Holley, Newman, Moon, Warren, and Buskey (JE):

H. 340. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; and to provide an effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 340—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1011. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1011—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 252. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 252—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 249. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 249—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Campbell and Fuller:

H. 1010. To make appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year ending September 30, 1989.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1010—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Fuller:

H. 288. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 288—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Lindsey:

H. 671. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections

successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require proof of assessment to be furnished by the mobile home owner to the public utility companies before the utility companies shall connect service, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 671—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 46. To amend Section 13A-6-60, Code of Alabama 1975, so as to remove the exemption from criminal responsibility of the spouse for rape and redefine the term "female" which excludes married victims.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 113. To authorize (and in certain circumstances to require) a fiduciary to make certain elections or to divide or keep separate a trust or estate in light of the generation-skipping transfer tax, to be effective with respect to transfers in trust, and decedents dying, on and after January 1, 1987.

Also:

H. 49. Relating to supernumerary magistrates; providing for eligibility requirements, terms of office, oath of office, compensation and prior service credit for magistrates for supernumerary status.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 207. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-seventh legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 493	132
Campaign finance disclosure, campaign committees, registration of political committees, contributions and expenditures by political committees, Secs. 17-22-1 through 17-22-15 repealed.	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 146

Delivered to the Governor April 21, 1988, at 3:00 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:55 P.M., on motion of Senator Bedford, the Senate adjourned until Tuesday, April 26, 1988, at 10 o'clock A.M.

TWENTY-EIGHTH LEGISLATIVE DAY

TUESDAY, APRIL 26, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kevin Gillis, Dozier Elementary School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

—34

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Covington for today.

BUDGET ISOLATION RESOLUTION

Senator Dial requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Dial, B. I. R., H. B. 141, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Langford
Bailey	deGraffenried	Hale	Manley
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Smith (B)
Bennett	Ellis	Holmes	Smith (J)
Cabaniss	Foshee		

—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 141. Relating to pharmaceutical insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has insurance coverage or contract benefits for pharmaceutical services, including without limitation, prescription drugs, the right to select any pharmacy or pharmacist of his choice to furnish the pharmaceutical services, including without limitation, prescription drugs, provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this act; and to provide for penalties for violations as provided in section 27-1-12 of the Code of Alabama 1975.

was taken up.

Senator Drinkard offered the following amendment No. 1 to the Bill, H. B. 141, to-wit:

AMENDMENT NO. 1 TO H. B. 141

Amend House Bill 141 on Page 4, Section 5, line 3 following the period after the word "plan" by adding the following:

"Further provided the provisions of this Act shall not apply to any covered policy or plan or employee benefit plan provided under the terms of a collective bargaining agreement or a meet and confer agreement."

On motion of Senator Smith (J), said amendment was laid on the table.

Yeas 16; Nays 12.

Yeas:

Senators:	deGraffenried	Goodwin	Preuitt
Amari	Dial	Hale	Rice
Bailey	Ellis	Hand	Smith (B)
Barron	Foshee	Mitchem	Smith (J)
Cabaniss			

—16

Nays:

Senators:	Corbett	Drinkard	Langford
Bedford	Denton	Holmes	Manley
Bennett	Dixon	Horn	Parsons
Campbell			

—12

Senator Campbell offered the following amendment to the Bill, H. B. 141, to-wit:

AMENDMENT TO H. B. 141

On Page 4, Section 3, Line #3, After the word plan. Delete the .(period) and add the following:

provided such pharmacy or pharmacist meets the contract price for all pharmaceutical services and not just on selected pharmaceutical services.

On motion of Senator Dial, said amendment was laid on the table.

Yeas 19; Nays 4.

Yeas:

Senators:	Bennett	Goodwin	Manley
Bailey	Cabaniss	Hale	Mitchem
Barron	deGraffenried	Hand	Preuitt
Bedford	Dial	Holmes	Smith (B)
Bedsole	Foshee	Langford	Smith (J)

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Nays:

Senators:	Corbett	Denton	Horn
Campbell			

—4

Senator Drinkard then offered the following amendment No. 2 to the Bill, H. B. 141, to-wit:

AMENDMENT NO. 2 TO H. B. 141

Amend House Bill No. 141, Page 4, Line 4, by inserting the following new subsection "(3)".

"(3) Allow for the payment or reimbursement of all or a portion of the cost for pharmaceutical services, including without limitation prescription drugs, unless the prescription for prescription drugs is filled and delivered to the person for whom the same is prescribed within eight hours from the time the prescription is presented to the pharmacists or pharmacy."

On motion of Senator Smith (J), said amendment was laid on the table.

Yeas 14; Nays 10.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem
Bailey	Dial	Goodwin	Preuitt
Barron	Dixon	Hale	Smith (J)
Cabaniss	Ellis	Menton	

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Nays:

Senators:	Bennett	Drinkard	Parsons	
Bedford	Campbell	Holmes	Smith (B)	
Bedsole	Denton	Horn		—10

Senator Dixon offered the following amendment to the Bill, H. B. 141, to-wit:

AMENDMENT TO H. B. 141

On Page 1, Section 1, Line 33, After the word drugs. Add the following sentence.

The provisions of this act shall not apply to statewide government sponsored plans.

On motion of Senator Bailey, said amendment was laid on the table.

Yeas 21; Nays 3.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Dial	Holmes	Sanders	
Bedford	Drinkard	Langford	Smith (B)	
Bedsole	Ellis	Mitchem	Smith (J)	
Bennett	Foshee			—21

Nays:

Senators:	Campbell	Denton	Dixon	—3
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And said Bill, H. B. 141, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Amari	Corbett	Hale	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Dial	Hilliard	Rice	
Bedford	Dixon	Holmes	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Cabaniss	Foshee	Manley		—30

Nays: —0

Senator Dial moved that the Senate reconsider the vote by which the Bill, H. B. 141, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills

with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 150. This bill permits the use of blood tests for intoxication in cases of death or serious physical injury and provides penalties for non-compliance.

Also:

S. 280. To provide that the State of Alabama shall carry and pay for certain liability insurance to indemnify all state employees required to drive a vehicle as part of their employment.

Also:

S. 300. To require municipal corporations of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, provided the action of the employee was neither intentional or wilful or wanton, and to authorize the obtaining of liability insurance to cover such employees.

Also:

S. 503. To authorize the State Department of Veterans' Affairs to provide for the operation of a State Veterans' Home or Homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; and to create a veterans' health care trust fund.

BILL DRINKARD,
Chairperson.

MOTION TO RECESS

Senator Manley moved that when the hour of 6 o'clock this evening arrives, the Senate take a recess until 7:30 P.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1. To provide for the issuing of distinctive license plates to certain handicapped persons at an additional fee of three dollars (\$3.00) per tag in those years when a metal plate is received, and prohibits the transfer of said plate between motor vehicle owners.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Britnell, Logan, and Newman (With Notice and Proof):

H. 1030. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other

consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1030, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 1031. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1031, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B. 's 1030 and 1031—to the Committee on Local Legislation No. 1

MOTION TO ADJOURN

Senator deGraffenried moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 28, 1988, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Junkins (With Notice and Proof):

H. 769. Relating to Etowah County, establishing the Etowah County Sports Hall of Fame, providing for its membership to be selected by the Selection Criteria Committee, and providing for its location.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 769, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 769—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mikell (With Notice and Proof):

H. 1032. Relating to Elmore County; to provide for the creation, maintenance and regulation of districts for fighting or preventing fires, and providing other related services, and to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; and to provide for the creation of the Elmore County Fire Protection Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1032, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1035, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1032 and 1035—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (With Notice and Proof):

H. 992. Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 992, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 992—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

H. 578. To impose a filing fee of Two Dollars (\$2.00) on certain instruments, documents, and papers filed for record in the office of the Probate Judge of Etowah County, the funds collected therefrom to be used exclusively for the funding of the mental health program in Etowah County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 578, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 578—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Rains (With Notice and Proof):

H. 1027. Relating to Marshall County; levying an additional tax on the wholesale price of all spirituous or vinous liquors sold in the county and providing for disposition of the proceeds from such taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1027, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1027—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 254. To make an appropriation from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 254—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hill:

H. 19. To further provide for the purchase of out of state service by members of the teachers' and employees' retirement systems of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 19—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy and McClain:

H. 667. To appropriate \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education in order to maximize family, parental, and community involvement in the educational process in order to reduce pupil drop-outs, reduce violence and drugs in schools of Alabama; to assist at-risk students through assistance from volunteers; to improve basic academic skills, self-esteem, school attendance, and home study habits by working with local school systems and community-based organization to maximize the opportunities for at-risk students to achieve educational excellence.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 667—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 231. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 231—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake (With Notice and Proof):

H. 1029. Relating to St. Clair County; providing for the collection of the one and a half percent sales taxes levied by the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1029, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1029—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby, Harvey, Breedlove, Hill, Beasley, Ford, Logan, and Campbell:

H. 943. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the

definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 943—to the Committee on Banking and Insurance

BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 719, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Cabaniss	Dixon	Hilliard	Rice
Campbell	Ellis	Holmes	Smith (J)
deGraffenried	Foshee		

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Nay: Senator Parsons

—1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 719. To establish the Alabama Underground Storage Tank Trust Fund; to provide for an annual underground storage tank trust fund fee, to be imposed upon underground storage tanks and that said fee may not exceed \$150 per regulated tank or be reduced below \$10 per regulated tank; provides that in the first year the tank fee will be set at \$100 per regulated tank; to provide for timely payments thereof and penalties for failure to pay the fees; to provide that the tank fee shall be held in a revolving trust fund and that the amount of the fund shall accumulate until the Fund reaches ten million dollars (\$10,000,000.00); to provide that the fees will abate when the total amount of the Fund reaches ten million dollars (\$10,000,000.00), and that the fee will be reimposed only when the Fund has been reduced to seven and one-half million dollars (\$7,500,000.00); to provide for the imposition of the \$150 fee if at the end of any fiscal year the Fund has less than \$250,000; provides for special assessment of fees to protect the financial integrity of the Fund; establishes an Advisory Board to advise the Department of Environmental Management on certain matters; satisfies financial responsibility requirements for underground storage tank owners or operators as required by federal law; to provide for payment from the Fund for clean-up costs and third party claims; to provide for the method of proceeding with third party claims; gives the Attorney General authority to defend the Director representing the Fund and to have the costs reimbursed from the

Fund; and to provide that none of the particulars of the Fund are admissible in court, provides for notification, guidelines and effective dates.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley
Bedford	deGraffenried	Goodwin	Parsons
Bedsole	Denton	Hale	Preuitt
Bennett	Dial	Hilliard	Rice
Cabaniss	Dixon	Holmes	Smith (J)
Campbell	Ellis	Langford	

—22

Nays:

—0

REPORTS OF COMMITTEES

Senator Amari, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Hettinger, Breedlove, Butler, and Gaston (With Amendment):

H. 429. Establishing a communications bureau within the data systems management division of the department of finance; providing for the acquisition of telecommunications equipment, systems and related services on behalf of state agencies; prescribing procedures for such acquisition; authorizing the promulgation of rules and regulations; and prescribing powers and duties.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Starkey (With Substitute):

H. 587. To amend the following sections of Chapter 89A of Title 11 of the Code of Alabama 1975, relating to solid waste disposal authorities, for the following purposes: Section 11-89A-1, relating to legislative findings, so as to take account of the possibility of joint incorporation of such authorities by two or more counties or municipalities; Section 11-89A-2 relating to definitions, so as to provide that the term "revenues" shall include the proceeds of any special tax to which an authority may be entitled and to add the definition of "special tax"; Sections 11-89A-3, 11-89A-4 and 11-89A-5, relating to filing of application for incorporation of an authority, authorization of incorporation of an authority, authorization of incorporation of an authority by a governing body of a county or a municipality or any two or more thereof, contents, execution and filing of a certificate of incorporation, and procedure for amendments to certificates of incorporation; Section 11-89A-6, relating to the board of directors of an authority, so as to provide for election, terms of office, vacancies, qualifications, expenses and impeachment; Section 11-89A-8, relating to powers of an authority and location of facilities of an authority, so as to provide that the power of an

authority to pledge for the payment of any bonds issued or assumed by the authority its revenues shall include the pledge of proceeds of any special tax to which such authority may be entitled and to provide that any facility or facilities of an authority may be located at such places, within or without the boundaries of its determining subdivisions, as it considers necessary or advisable, subject to the requirement that the governing body of any county or municipality other than a determining subdivision with respect to an authority must give its prior consent to the location in such county or municipality of any facility or facilities owned or operated by such authority in such county or municipality, and to provide that an authority shall not have the power to levy any taxes; Section 11-89A-9, relating to bonds of an authority, so as to make necessary changes in detail relating to the possibility of joint incorporation of an authority by two or more counties or municipalities; Section 11-89A-15, relating to cooperation, aid and agreements from and with other bodies, so as to provide that any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state may transfer to an authority the proceeds of any special tax which may be levied for the benefit of such authority or any facility owned or operated by such authority or the proceeds of which may have been appropriated, allocated or apportioned to such authority, or to or for the benefit of any such facility, by the Legislature or by the governing body of a county or municipality; Section 11-89A-19, relating to disposition of net earnings of an authority, so as to provide that net earnings of an authority may, in the discretion of its board of directors, be paid to one or more of its determining subdivisions; Section 11-89A-21, relating to dissolution of an authority and vesting of title to an authority's property upon such dissolution, so as to provide that upon dissolution of an authority, the title to all its property shall vest in one or more counties or municipalities in such manner and interests as may be provided in the authority's certificate of incorporation and that if such certificate of incorporation contains no provision respecting the vesting of title to the properties of the authority, title to all such property shall thereupon vest in its determining subdivisions as tenants in common; and to provide that the provisions of this act shall be severable.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 1004. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 1005. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 1006. To make an appropriation from the State General Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 1007. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 1008. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

By Rep. Harper:

H. 1009. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

By Reps. Campbell and Fuller:

H. 1010. To make appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 1011. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Harper:

H. 1012. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Harper:

H. 1013. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Harper:

H. 1015. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Harper:

H. 1016. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 1017. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Harper:

H. 1018. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

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By Rep. Ford:

H. 11. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 993. To make an appropriation of \$15,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 994. To make an appropriation of \$10,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 995. To make an appropriation of \$2,500 from the State General Fund to the Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 996. To make an appropriation of \$25,000 from the State General Fund to the Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 997. To make an appropriation of \$10,000 from the State General Fund to the Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 998. To make an appropriation of \$100,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 999. To make an appropriation of \$15,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 1000. To make an appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Freeman:

H. 1001. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

By Rep. Holmes:

H. 1002. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 1003. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

By Rep. Fuller:

H. 288. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

By Reps. Harper and Gaston:

H. 395. To make an appropriation from the State General Fund in the amount of \$350,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. White (G), Rogers, Biddle, Wright, Petelos, Curry, Knight, Slaughter, Perdue, Spratt, Escott, Newton, and Seibels (With Substitute):

H. 414. To make a supplemental appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight and the amount of \$35,000 from the State General Fund to the Children's Hands-On Museum of Tuscaloosa for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. White (F):

H. 474. To amend Section 41-9-341, Code of Alabama 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the commission.

By Rep. White (G):

H. 726. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Harper:

H. 989. To propose a constitutional amendment repealing portions of Amendment No. 25, Amendment No. 61, and Amendment No. 212 of the Constitution of Alabama insofar as such amendments relate to the disposition of the proceeds of the state income tax after provision for property tax relief; to provide for the disposition of the net proceeds of the state income tax after provision for property tax relief; and to establish a maximum rate of tax on net incomes.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Harper, Clark (J), and Campbell:

H. 1024. To amend Sections 40-18-5 and 40-18-71, Code of Alabama 1975, to increase the maximum individual income tax rate from 5% to 5 1/2%, to amend Section 40-18-31 to increase the maximum income tax rate on the income of corporations from 5% to 5 1/2%, and to amend Section 40-18-58 to provide for the appropriation of the increase in income tax revenues due to the increase in tax rate.

By Reps. Marks and Parker:

H. 247. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 248. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1989, and to require an operations plan prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 249. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 251. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

By Rep. Harper:

H. 252. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

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By Rep. Harper:

H. 260. To make a supplemental appropriation of \$50,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1988.

By Rep. Harper:

H. 261. To make a supplemental appropriation of \$25,000 from the State General Fund to the Legislative Council for the fiscal year ending September 30, 1988.

By Rep. Harper:

H. 265. To make a supplemental appropriation of \$2,500 from the State General Fund to Lee County Historical Society and Museum and \$15,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 229. To make an appropriation from the State General Fund to the Beacon House—Jasper for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 232. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 234. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 235. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 239. To make an appropriation from the State General Fund for the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 241. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Harper:

H. 242. To make an appropriation from the State General Fund for the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Rep. Dillard:

H. 243. To make an appropriation from the State General Fund to the George C. Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Carter and Harper:

H. 246. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Freeman, Warren, Thomas, Layson, Blake, Headley, Burke, and Hooper:

H. 461. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent

or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

By Reps. Junkins, Parker, Poole, Grayson, Hettinger, Fuller, Headley, Thomas, Buskey (JL), Holley, Newman, Moon, Warren, and Buskey (JE):

H. 340. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; and to provide an effective date.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 140. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar to-wit:

By Rep. Lindsey:

H. 671. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the

taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require proof of assessment to be furnished by the mobile home owner to the public utility companies before the utility companies shall connect service, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

By Reps. Mikell and Breedlove:

H. 506. To amend sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

By Rep. Hooper:

H. 472. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

BILLS ON THIRD READING RESUMED

THE BILL:

H. 913. To amend Section 7 of Act No. 31 of the Second Special Session 1975 (Acts 1975, p. 141), as amended, which relates to the incorporation in any municipality, having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent federal decennial census, of an authority, as a public corporation, for the purpose of providing public transportation service in such county and the compensation of directors of any such authority, so as to further provide for the number of directors.

was taken up.

On motion of Senator Ellis, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 676, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley	
Amari	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	Dial	Holmes	Parsons	
Bedford	Dixon	Horn	Preuitt	
Bedsole	Drinkard	Langford	Rice	
Bennett	Ellis			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 676. Relating to Cullman County; providing that county supplements paid to court reporters in the Thirty-second Judicial Circuit shall be on a percentage of compensation paid by the State of Alabama to court reporters payable from the county treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley	
Amari	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	Dial	Holmes	Parsons	
Bedford	Dixon	Horn	Preuitt	
Bedsole	Drinkard	Langford	Rice	
Bennett	Ellis			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., S. B. 677, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley	
Amari	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	Dial	Holmes	Parsons	
Bedford	Dixon	Horn	Preuitt	
Bedsole	Drinkard	Langford	Rice	
Bennett	Ellis			—25
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 677. Relating to Cullman County; providing a certain county supplement to the salary of each supernumerary court reporter in the Thirty-second Judicial Circuit payable from the county treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley	
Amari	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	Dial	Holmes	Parsons	
Bedford	Dixon	Horn	Preuitt	
Bedsole	Drinkard	Langford	Rice	
Bennett	Ellis			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 678, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bennett	Drinkard	Hilliard	Preuitt	
Bishop	Ellis	Holmes	Rice	
Cabaniss	Figures	Horn	Sanders	
Campbell	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 678. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Langford	
Bailey	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bennett	Drinkard	Hilliard	Preuitt	
Bishop	Ellis	Holmes	Rice	
Cabaniss	Figures	Horn	Sanders	
Campbell	Foshee			—25

Nays:

—0

RULE 35 SUSPENDED

On motion of Senator Hale, Rule 35 was suspended to allow transmittal to the House of the Bills, S. B.'s 676 and 677.

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BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., S. B. 680, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons	
Amari	Corbett	Horn	Preuitt	
Bailey	deGraffenried	Langford	Rice	
Bedford	Denton	Manley	Sanders	
Bennett	Dial	Menton	Smith (B)	
Bishop	Dixon	Mitchem	Smith (J)	
Cabaniss	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 680. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Marion County Public Water Authority by a general or a local act of the Legislature.

was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons	
Amari	Corbett	Horn	Preuitt	
Bailey	deGraffenried	Langford	Rice	
Bedford	Denton	Manley	Sanders	
Bennett	Dial	Menton	Smith (B)	
Bishop	Dixon	Mitchem	Smith (J)	
Cabaniss	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 689, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Parsons	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 689. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Parsons	
Campbell	Figures			—25

Nays:

—0

On motion of Senator Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 689.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., S. B. 690, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Menton	
Bennett	Drinkard	Hilliard	Rice	
Campbell	Ellis	Holmes	Sanders	
Corbett	Figures			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 690. To provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Menton	
Bennett	Drinkard	Hilliard	Rice	
Campbell	Ellis	Holmes	Sanders	
Corbett	Figures			—25

Nays: —0

On motion of Senator Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 690.

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., S. B. 688, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford	
Amari	Cabaniss	Figures	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Parsons	
Bedsole	Dixon	Horn	Rice	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 688. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Langford	
Amari	Cabaniss	Figures	Manley	
Bailey	Campbell	Foshee	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Parsons	
Bedsole	Dixon	Horn	Rice	
Bennett	Drinkard			—25

Nays: —0

On motion of Senator Rice, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 688.

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., S. B. 683, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons
Barron	Corbett	Hilliard	Preuitt
Bedford	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bennett	Dixon	Manley	Smith (B)
Bishop	Ellis	Menton	Smith (J)
Cabaniss	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 683. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons
Barron	Corbett	Hilliard	Preuitt
Bedford	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bennett	Dixon	Manley	Smith (B)
Bishop	Ellis	Menton	Smith (J)
Cabaniss	Goodwin		

—25

Nays:

—0

On motion of Senator Goodwin, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 683.

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 969, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Manley
Amari	Cabaniss	Figures	Menton
Bailey	Campbell	Hand	Mitchem
Barron	Denton	Holmes	Parsons
Bedford	Dial	Horn	Preuitt
Bedsole	Dixon	Langford	Rice
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 969. Relating to Baldwin County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Manley
Amari	Cabaniss	Figures	Menton
Bailey	Campbell	Hand	Mitchem
Barron	Denton	Holmes	Parsons
Bedford	Dial	Horn	Preuitt
Bedsole	Dixon	Langford	Rice
Bennett	Drinkard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 971, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Figures	Langford
Bailey	deGraffenried	Foshee	Manley
Barron	Denton	Goodwin	Menton
Bedford	Dial	Hand	Preuitt
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 971. Relating to Baldwin County; to amend Section 1 of Act No. 57, S. 71, Second Special Session 1978 (Acts 1978, p. 1745), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof and expressing legislative intent that the fee collected is in addition to other appropriations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Figures	Langford
Bailey	deGraffenried	Foshee	Manley
Barron	Denton	Goodwin	Menton
Bedford	Dial	Hand	Preuitt
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 972, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons
Amari	Denton	Holmes	Preuitt
Barron	Dial	Horn	Rice
Bedsole	Dixon	Langford	Sanders
Bennett	Drinkard	Manley	Smith (B)
Bishop	Ellis	Menton	Smith (J)
Cabaniss	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 972. Relating to Baldwin County; authorizing the circuit and district court judges in said county to conduct non-jury court proceedings in certain branch courthouses within the county not to exceed a total of 160 days during any year; and providing for a referendum on such authorization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hand	Parsons
Amari	Denton	Holmes	Preuitt
Barron	Dial	Horn	Rice
Bedsole	Dixon	Langford	Sanders
Bennett	Drinkard	Manley	Smith (B)
Bishop	Ellis	Menton	Smith (J)
Cabaniss	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 987, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hand	Menton
Barron	Dixon	Hilliard	Parsons
Bedsole	Ellis	Holmes	Preuitt
Bennett	Figures	Horn	Rice
Cabaniss	Foshee	Langford	Sanders
Campbell	Goodwin	Manley	Smith (J)
Denton	Hale		

—25

Nays:

—0

REGULAR SESSION
28th Day

1825

BILLS ON THIRD READING RESUMED

THE BILL:

H. 987. To propose an amendment to the Constitution of 1901 pertaining to Limestone County, to provide that no police jurisdiction of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hand	Menton	
Barron	Dixon	Hilliard	Parsons	
Bedsole	Ellis	Holmes	Preuitt	
Bennett	Figures	Horn	Rice	
Cabaniss	Foshee	Langford	Sanders	
Campbell	Goodwin	Manley	Smith (J)	
Denton	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 970, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Denton	Manley	Sanders	
Bedford	Dial	Menton	Smith (B)	
Bedsole	Dixon	Mitchem	Smith (J)	
Bennett	Hand			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 970. Relating to Baldwin County; repealing Act No. 87-770, H. 1053, 1987 Regular Session (Acts 1987), which relates to gasoline tax for highways and bridges.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Denton	Manley	Sanders	
Bedford	Dial	Menton	Smith (B)	
Bedsole	Dixon	Mitchem	Smith (J)	
Bennett	Hand			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., H. B. 544, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Mitchem	
Barron	Dixon	Holmes	Parsons	
Bedsole	Drinkard	Horn	Preuitt	
Bennett	Ellis	Langford	Rice	
Cabaniss	Figures	Manley	Smith (B)	
Campbell	Foshee	Menton	Smith (J)	
Denton	Hale			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 544. To exempt the Optimist Boys Center, Inc. from all county or local ad valorem taxation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Mitchem	
Barron	Dixon	Holmes	Parsons	
Bedsole	Drinkard	Horn	Preuitt	
Bennett	Ellis	Langford	Rice	
Cabaniss	Figures	Manley	Smith (B)	
Campbell	Foshee	Menton	Smith (J)	
Denton	Hale			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Hand, B. I. R., H. B. 685, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Manley	
Amari	Cabaniss	Ellis	Menton	
Bailey	Campbell	Hand	Mitchem	
Barron	deGraffenried	Holmes	Parsons	
Bedford	Denton	Horn	Preuitt	
Bedsole	Dial	Langford	Rice	
Bennett	Dixon			—25

Nays: —0

REGULAR SESSION
28th Day

1827

BILLS ON THIRD READING RESUMED

THE BILL:

H. 685. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Manley
Amari	Cabaniss	Ellis	Menton
Bailey	Campbell	Hand	Mitchem
Barron	deGraffenried	Holmes	Parsons
Bedford	Denton	Horn	Preuitt
Bedsole	Dial	Langford	Rice
Bennett	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 718, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Bedsole	Denton	Goodwin	Langford
Bennett	Dial	Hale	Manley
Bishop	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Preuitt
Corbett	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 718. To provide for the compensation of the governing members of The Utilities Board of the City of Sylacauga, Alabama, a corporation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Bedsole	Denton	Goodwin	Langford
Bennett	Dial	Hale	Manley
Bishop	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Preuitt
Corbett	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 721, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Parsons
Corbett	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 721. Relating to Marion County; authorizing the county commission to levy and collect a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes if levied by the county commission; and providing for enforcement of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Parsons
Corbett	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Denton, B. I. R., H. B. 729, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Denton	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bennett	Foshee		

—25

Nays:

—0

REGULAR SESSION
28th Day

1829

BILLS ON THIRD READING RESUMED

THE BILL:

H. 729. Relating to Colbert County; to amend further Section 2 of Act No. 1144, S. 593, 1969 Regular Session (Acts 1969, p. 2145 and Act 1255, H. 1118, 1969 Regular Session, (Acts 1969, 2372), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Denton	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bennett	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., H. B. 734, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton
Amari	Corbett	Figures	Mitchem
Barron	deGraffenried	Foshee	Parsons
Bedsole	Denton	Hale	Preuitt
Bennett	Dial	Langford	Smith (B)
Bishop	Dixon	Manley	Smith (J)
Cabaniss	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 734. Relating to Madison County; to provide further for the salary of the Probate Judge, effective upon the next term of office; to provide that such salary be paid from the county general fund; and that such salary shall constitute the total compensation paid to the probate judge, in lieu of any other salary, allowance or compensation heretofore provided by law.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton
Amari	Corbett	Figures	Mitchem
Barron	deGraffenried	Foshee	Parsons
Bedsole	Denton	Hale	Preuitt
Bennett	Dial	Langford	Smith (B)
Bishop	Dixon	Manley	Smith (J)
Cabaniss	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 742, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale	Menton	Smith (B)
Dixon	Hand		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 742. Relating to the 24th judicial circuit; to amend the title and Sections 1 and 2 of Act No. 47, H. 46, 1956 Second Special Session (Acts of 1956, Vol. 1, p. 339), which act provides for a law enforcement fund in such circuit consisting of certain district attorneys' fees, so as to provide that such fund shall be for the use of the district attorney of the 24th judicial circuit; and to provide for the effective date of this amendatory act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bishop	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale	Menton	Smith (B)
Dixon	Hand		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 758, adopted.

**REGULAR SESSION
28th Day**

1831

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (B)	
Corbett	Figures	Horn	Smith (J)	
deGraffenried	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 758. Relating to Russell County; amending Act No. 81-470, 1981 Regular Session, which provides for an expense allowance for the coroner, so as to provide further for said expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard	Hilliard	Sanders	
Cabaniss	Ellis	Holmes	Smith (B)	
Corbett	Figures	Horn	Smith (J)	
deGraffenried	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 767, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Bailey	Drinkard	Hilliard	Mitchem	
Bishop	Ellis	Holmes	Parsons	
Cabaniss	Figures	Horn	Preuitt	
Campbell	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 767. Relating to Houston County; to impose a special additional filing fee of two dollars (\$2.00) on certain instruments, documents, and papers

filed for record in the office of the Judge of Probate; to provide for the disposition of said fees; and to provide that said law shall be cumulative. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 768, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 768. Relating to Houston County; authorizing the Houston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and providing that the said tax shall be subject to all rules, regulations, promulgations, authority and fines of the state department of revenue as are all other similar taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 759, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons
Bennett	Dixon	Hand	Preuitt
Bishop	Drinkard	Langford	Rice
Cabaniss	Ellis	Manley	Sanders
Corbett	Figures	Menton	Smith (B)
deGraffenried	Foshee	Mitchem	Smith (J)
Denton	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 759. Relating to Phenix City in Russell County; amending Act No. 71, H. 114, 1977 Regular Session, which provides for a council-manager form of government, so as to provide further for the compensation of the mayor and council members.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Parsons
Bennett	Dixon	Hand	Preuitt
Bishop	Drinkard	Langford	Rice
Cabaniss	Ellis	Manley	Sanders
Corbett	Figures	Menton	Smith (B)
deGraffenried	Foshee	Mitchem	Smith (J)
Denton	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 772, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Parsons
Amari	Campbell	Foshee	Preuitt
Bailey	Denton	Hale	Rice
Barron	Dial	Manley	Sanders
Bedford	Dixon	Menton	Smith (B)
Bedsole	Drinkard	Mitchem	Smith (J)
Bennett	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 772. To propose an Amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to grant money to the county sheriff's posse.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Parsons	
Amari	Campbell	Foshee	Preuitt	
Bailey	Denton	Hale	Rice	
Barron	Dial	Manley	Sanders	
Bedford	Dixon	Menton	Smith (B)	
Bedsole	Drinkard	Mitchem	Smith (J)	
Bennett	Ellis			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 778, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Manley	
Amari	Cabaniss	Drinkard	Menton	
Bailey	Campbell	Ellis	Mitchem	
Barron	Corbett	Goodwin	Parsons	
Bedford	deGraffenried	Horn	Preuitt	
Bedsole	Denton	Langford	Sanders	
Bennett	Dial			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 778. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement Fund and provide for the use of such fund and effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Manley	
Amari	Cabaniss	Drinkard	Menton	
Bailey	Campbell	Ellis	Mitchem	
Barron	Corbett	Goodwin	Parsons	
Bedford	deGraffenried	Horn	Preuitt	
Bedsole	Denton	Langford	Sanders	
Bennett	Dial			—25

Nays:

—0

REGULAR SESSION
28th Day

1835

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 786, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford
Amari	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bishop	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 786. To create in the City of Tuscaloosa, Alabama, a pension fund for all retired Special Police Officers of the City of Tuscaloosa appointed pursuant to the provisions of Act 96 of the 1975 4th Special Session (Acts of 1975, p. 2776).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Langford
Amari	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bishop	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 803, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Corbett	Manley	Sanders
Bedford	Ellis	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 803. Relating to Shelby County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Corbett	Manley	Sanders	
Bedford	Ellis	Menton	Smith (B)	
Bedsole	Hand	Mitchem	Smith (J)	
Bennett	Hilliard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 849, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 849. Relating to Lamar County; providing for an additional expense allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 852, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 852. To authorize the Geneva County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 853, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	deGraffenried	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsale	Dixon	Hand	Preuitt
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 853. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	deGraffenried	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Pruitt	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Pruitt, B. I. R., H. B. 854, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Langford	
Bailey	Campbell	Figures	Pruitt	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 854. To amend, alter, rearrange, extend, and confirm the boundary lines and corporate limits of the municipality of The City of Tallassee in Elmore County, Alabama and Tallapoosa County, Alabama.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 854, to-wit:

AMENDMENT TO H. B. 854

Amend H. 854 as follows:

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On page 4, line 31, delete the language "more of less" and insert in lieu thereof the following language:

more or less

On page 5, line 27, delete the language "distance or" and insert in lieu thereof the following language:

distance of

On page 8, lines 22 and 30, correct the misspelling of Tallapoosa by changing the first "s" in the word to an o

On page 10, line 22, delete the word "appoint" and insert in lieu thereof the following language:

a point

On page 11, line 10, following the numeral "2" insert a quotation mark.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Langford	
Bailey	Campbell	Figures	Preuitt	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

And said Bill, H. B. 854, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Langford	
Bailey	Campbell	Figures	Preuitt	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., H. B. 872, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Amari	Drinkard	Hilliard	Mitchem
Bailey	Ellis	Holmes	Parsons
Barron	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 872. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas north and east of and contiguous to existing corporate limits to be included within the town.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Amari	Drinkard	Hilliard	Mitchem
Bailey	Ellis	Holmes	Parsons
Barron	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 882, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Bedsole	Drinkard	Hilliard	Rice
Bennett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 882. Relating to Lee County; amending Act No. 83-682, S. 547, 1983 Regular Session, which provides for registration fees on mobile homes, so as to increase said fees.

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was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 880, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 880. Relating to Lee County; amending Act No. 81-736, H. 1053, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 881, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 881. Relating to Lee County; providing for the creation, appointment, powers and duties of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and providing for the county commission to set the compensation of such officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Rice, B. I. R., H. B. 884, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Rice	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 884. Relating to Lee County; providing further for additional costs and charges in all Circuit and District Court cases, excluding Small Claims Division, and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of such funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Bedsole	Drinkard	Hilliard	Rice
Bennett	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 875, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	deGraffenried	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Sanders
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 875. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	deGraffenried	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 892, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Smith (J)
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 892. Relating to Limestone County, to provide that the total annual compensation of the chief deputy sheriff shall be an amount equal to seventy-five percent of the total annual compensation paid to the sheriff of said county, to be payable from the county treasury.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Smith (J)
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 883, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Rice
Bedsole	Drinkard	Hilliard	Smith (J)
Bennett	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 883. Relating to Lee County; amending Act No. 81-735, H. 1052, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Rice
Bedsole	Drinkard	Hilliard	Smith (J)
Bennett	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., H. B. 893, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Holmes
Barron	deGraffenried	Foshee	Horn
Bedford	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Bennett	Dixon	Hand	Smith (B)
Bishop	Drinkard	Hilliard	Smith (J)
Cabaniss	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 893. Relating to the thirty-ninth judicial circuit; providing a certain optional allowance for the district attorney in said circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Horn	
Bedford	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Smith (B)	
Bishop	Drinkard	Hilliard	Smith (J)	
Cabaniss	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 895, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Holmes	
Amari	Cabaniss	Ellis	Horn	
Bailey	Campbell	Foshee	Langford	
Barron	deGraffenried	Hale	Manley	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars retroactive to October 1, 1987.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Holmes	
Amari	Cabaniss	Ellis	Horn	
Bailey	Campbell	Foshee	Langford	
Barron	deGraffenried	Hale	Manley	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 886, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Rice
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 886. Relating to Lee County; authorizing the county commission to levy and collect a one percent sales tax outside the corporate limits of the cities of Auburn and Opelika paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; and prescribing penalties and fixing punishment for violation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Rice
Bennett	Drinkard		

—25

Nays: —0

Senator Rice requested and received unanimous consent to suspend the Rules in order to bring up the Bill:

H. 185. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

On motion of Senator Rice, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 894, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Parsons	
Amari	Cabaniss	Foshee	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Denton	Manley	Sanders	
Bedford	Dial	Menton	Smith (B)	
Bedsole	Dixon	Mitchem	Smith (J)	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 894. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for Pike County Government Modernization, so as to provide for: the county unit system; the abolition of the offices of tax assessor and tax collector and the combination of those duties in a new office, the revenue commissioner; and the separation of the duties of judge of probate and chairman of the county commission.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Parsons	
Amari	Cabaniss	Foshee	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Denton	Manley	Sanders	
Bedford	Dial	Menton	Smith (B)	
Bedsole	Dixon	Mitchem	Smith (J)	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 901, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Holmes	
Bedford	deGraffenried	Foshee	Manley	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 901. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Choctaw County. was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale
Amari	Cabaniss	Drinkard	Hand
Bailey	Campbell	Ellis	Hilliard
Barron	Corbett	Figures	Holmes
Bedford	deGraffenried	Foshee	Manley
Bedsole	Denton	Goodwin	Sanders
Bennett	Dial		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 902, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale
Amari	Cabaniss	Drinkard	Hand
Bailey	Campbell	Ellis	Hilliard
Barron	Corbett	Figures	Holmes
Bedford	deGraffenried	Foshee	Manley
Bedsole	Denton	Goodwin	Sanders
Bennett	Dial		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 902. Relating to Choctaw County; providing further for the compensation of the judge of probate.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale
Amari	Cabaniss	Drinkard	Hand
Bailey	Campbell	Ellis	Hilliard
Barron	Corbett	Figures	Holmes
Bedford	deGraffenried	Foshee	Manley
Bedsole	Denton	Goodwin	Sanders
Bennett	Dial		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 903, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Holmes	
Bedford	deGraffenried	Foshee	Manley	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 903. Relating to Choctaw County, providing further for the compensation of the members of the county commission and repealing Act No. 81-748, H. 1124, 1981 Regular Session, and Act No. 81-917, H. 15, 1981 1st Special Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Holmes	
Bedford	deGraffenried	Foshee	Manley	
Bedsole	Denton	Goodwin	Sanders	
Bennett	Dial			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Dial, B. I. R., H. B. 905, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 905. Relating to Cleburne County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge to have one general index book relative to transactions in the probate office of Cleburne County. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 906, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 906. Relating to Cleburne County; authorizing the renewal of business licenses by mail; authorizing certain additional fees and cost pursuant to such system of renewal; and providing that such fees shall be set by the County Commission from time to time to pay the cost of mailing said licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 907, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 907. Relating to Cleburne County; providing further for the duties of the county health department and its agents in performing certain tests for septic tank installation; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Bailey, B. I. R., H. B. 915, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley	
Bailey	Dixon	Hand	Menton	
Cabaniss	Drinkard	Hilliard	Mitchem	
Campbell	Ellis	Holmes	Parsons	
Corbett	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 915. Relating to Geneva County and the compensation of the coroner; amending Act No. 81-367, H. 896, 1981 Regular Session (Acts 1981, p. 535), which sets the compensation of the coroner, so as to increase the expense allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Parsons
Corbett	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 916, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 916. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 917, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 917. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Parsons
Campbell	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 918, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale	Menton	Smith (B)
Dixon	Hand		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 918. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale	Menton	Smith (B)
Dixon	Hand		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 919, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 919. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bailey	Dixon	Hand	Menton
Bennett	Drinkard	Hilliard	Mitchem
Bishop	Ellis	Holmes	Parsons
Cabaniss	Figures	Horn	Preuitt
Campbell	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., H. B. 921, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard			—25

<i>Nays:</i>		—0
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BILLS ON THIRD READING RESUMED**THE BILL:**

H. 921. Relating to Marshall County; to create a motor vehicle license and title division within the probate judge's office for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicles licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax collector and tax assessor to said probate judge.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Mitchem	
Bennett	Drinkard			—25

<i>Nays:</i>		—0
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BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 922, adopted.

REGULAR SESSION
28th Day

1857

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 922. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 923, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 923. Relating to Coosa County; levying an additional ad valorem tax in said county to be used for certain fire protection and ambulance service and providing for a referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., H. B. 925, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Langford	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Smith (J)	
Bennett	Dial			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 925. To regulate the registration and identification of certain mobile homes in Elmore County and to prescribe penalties for violation of the provisions of this act.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 925, to-wit:

AMENDMENT TO H. B. 925

On page 2, line 14, after the period insert the following language:

Provided, however, no criminal sanction shall be imposed under the provisions of this act until one year following the effective date of this act. Provided further, however, the civil penalties imposed by this section shall be levied upon the effective date of this act.

Which was adopted.

REGULAR SESSION
28th Day

1859

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Langford	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Smith (J)	
Bennett	Dial			—25

Nays: —0

And said Bill, H. B. 925, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hale	
Amari	Cabaniss	Drinkard	Hand	
Bailey	Campbell	Ellis	Hilliard	
Barron	Corbett	Figures	Langford	
Bedford	deGraffenried	Foshee	Preuitt	
Bedsole	Denton	Goodwin	Smith (J)	
Bennett	Dial			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 926, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Cabaniss	Drinkard	Hilliard	Mitchem	
Campbell	Ellis	Holmes	Parsons	
Corbett	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 926. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Cabaniss	Drinkard	Hilliard	Mitchem
Campbell	Ellis	Holmes	Parsons
Corbett	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 938, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 938. To authorize the Clay County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 944, adopted.

**REGULAR SESSION
28th Day**

1861

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 944. To authorize the Cleburne County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 950, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 950. Relating to Clay County; abolishing the office of constable and providing an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 951, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 951. To fix the fee for the issuance of pistol permits in Clay County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 952, adopted.

REGULAR SESSION
28th Day

1863

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Amari	Drinkard	Hilliard	Mitchem
Bailey	Ellis	Holmes	Parsons
Barron	Figures	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Corbett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 952. Authorizing the Barbour County Commission to compensate a secretary who shall work in the office of the sheriff.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Amari	Drinkard	Hilliard	Mitchem
Bailey	Ellis	Holmes	Parsons
Barron	Figures	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Corbett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., H. B. 958, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Holmes
Barron	deGraffenried	Foshee	Mitchem
Bedford	Denton	Goodwin	Smith (B)
Bedsole	Dial	Hale	Smith (J)
Bennett	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 958. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal

Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Mitchem	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B. I. R., H. B. 959, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Amari	Drinkard	Hilliard	Mitchem	
Bailey	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Corbett	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 959. Relating to Bullock County; providing that the sheriff, chairman of the county commission and judge of probate of Bullock County shall receive the same amount of compensation for serving as such officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Amari	Drinkard	Hilliard	Mitchem	
Bailey	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Corbett	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 961, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Parsons
Barron	Corbett	Ellis	Preuitt
Bedford	Covington	Figures	Rice
Bedsale	deGraffenried	Foshee	Sanders
Bennett	Denton	Holmes	Smith (B)
Bishop	Dial	Mitchem	Smith (J)
Cabaniss	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 961. To authorize the Calhoun County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Parsons
Barron	Corbett	Ellis	Preuitt
Bedford	Covington	Figures	Rice
Bedsale	deGraffenried	Foshee	Sanders
Bennett	Denton	Holmes	Smith (B)
Bishop	Dial	Mitchem	Smith (J)
Cabaniss	Dixon		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 964, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Corbett	Manley	Sanders
Bedford	Ellis	Menton	Smith (B)
Bedsale	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 964. Relating to Shelby County; to legalize the sale of draft or keg beer; and to provide for the sale thereof by retail licensees of the Alabama Alcoholic Beverage Control Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Corbett	Manley	Sanders	
Bedford	Ellis	Menton	Smith (B)	
Bedsole	Hand	Mitchem	Smith (J)	
Bennett	Hilliard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 976, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 976. To authorize the official court reporter of the Thirty-fifth Judicial Circuit to enroll, retroactively, in the retirement system of either or both of the counties comprising said circuit, notwithstanding the strictures of Title 36-27-6, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

REGULAR SESSION
28th Day

1867

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., H. B. 981, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons
Amari	Drinkard	Horn	Preuitt
Bailey	Ellis	Langford	Rice
Barron	Figures	Manley	Sanders
Bedford	Foshee	Menton	Smith (B)
Campbell	Hale	Mitchem	Smith (J)
Dial	Hilliard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 981. To authorize the Morgan County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons
Amari	Drinkard	Horn	Preuitt
Bailey	Ellis	Langford	Rice
Barron	Figures	Manley	Sanders
Bedford	Foshee	Menton	Smith (B)
Campbell	Hale	Mitchem	Smith (J)
Dial	Hilliard		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., H. B. 984, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Barron	Denton	Holmes	Parsons
Bennett	Dial	Horn	Preuitt
Bishop	Dixon	Langford	Rice
Cabaniss	Drinkard	Manley	Smith (B)
Campbell	Ellis	Menton	Smith (J)
Corbett	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 984. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Barron	Denton	Holmes	Parsons	
Bennett	Dial	Horn	Preuitt	
Bishop	Dixon	Langford	Rice	
Cabaniss	Drinkard	Manley	Smith (B)	
Campbell	Ellis	Menton	Smith (J)	
Corbett	Figures			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 757, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 757. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 874, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Sanders
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 874. Relating to Greene County; to amend Act 87-621 (H. 1101) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term “motor fuel”, to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

was taken up.

Senator Sanders offered the following amendment to the Bill, H. B. 874, to-wit:

AMENDMENT TO H. B. 874

On page 1 in the title, on line 14, delete the word “term”, and insert in lieu thereof:

terms

On page 1, in the title, on line 15 after the language “motor fuel”, insert: and “gasoline”

On page 1, on line 30 after the word “purposes”, insert:

nor to those known commercially as “diesel oil or diesel fuel” regardless of use

On page 2, on line 2 after the word “state”, insert the following:

, provided that such term shall not be held to apply to such product known commercially as “diesel oil or diesel fuel”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Sanders
Bennett	Drinkard		

—25

Nays:

—0

And said Bill, H. B. 874, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Sanders	
Bennett	Drinkard			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 873, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford	
Amari	Cabaniss	Hale	Manley	
Bailey	Campbell	Hand	Menton	
Barron	Drinkard	Hilliard	Mitchem	
Bedford	Ellis	Holmes	Parsons	
Bedsole	Figures	Horn	Sanders	
Bennett	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 873. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term “motor fuel”, to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

was taken up.

Senator Sanders offered the following amendment to the Bill, H. B. 873, to-wit:

AMENDMENT TO H. B. 873

On page 1 in the title, on line 14, delete the word “term”, and insert in lieu thereof:

terms

On page 1, in the title, on line 15 after the language “motor fuel”, insert: and “gasoline”

On page 1, on line 30 after the word “purposes”, insert:

nor to those known commercially as “diesel oil or diesel fuel” regardless of use

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On page 2, on line 2 after the word "state", insert the following:

, provided that such term shall not be held to apply to such product known commercially as "diesel oil or diesel fuel"

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Sanders
Bennett	Foshee		

—25

Nays: —0

And said Bill, H. B. 873, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Sanders
Bennett	Foshee		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 855, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford
Amari	Cabaniss	Hale	Manley
Bailey	Campbell	Hand	Menton
Barron	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Sanders
Bennett	Foshee		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 855. Relating to Perry County, to amend Act No. 80-492, H. 1040, 1980 Regular Session, which pertains to levying and collecting assessments on forestlands, so as to increase the amount of said levy.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Langford	
Amari	Cabaniss	Hale	Manley	
Bailey	Campbell	Hand	Menton	
Barron	Drinkard	Hilliard	Mitchem	
Bedford	Ellis	Holmes	Parsons	
Bedsole	Figures	Horn	Sanders	
Bennett	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 949, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Sanders	
Bishop	Dixon	Langford	Smith (B)	
Cabaniss	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 949. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama; First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	Corbett	Goodwin	Parsons	
Bailey	deGraffenried	Hand	Preuitt	
Barron	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Sanders	
Bishop	Dixon	Langford	Smith (B)	
Cabaniss	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedsole, B. I. R., H. B. 765, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	Corbett	Goodwin	Parsons
Bailey	deGraffenried	Hand	Preuitt
Barron	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bishop	Dixon	Langford	Smith (B)
Cabaniss	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 765. To further amend Act No. 81-450, H. 825, Regular Session 1981 (Acts 1981, p. 773), which act, as amended, relates to Mobile County and authorizes the county commission to establish a solid waste management program in the unincorporated areas of the county, so as to provide for the removal and reappointment of appointed members of the Solid Waste Management Advisory Board who miss two or more consecutive meetings of the board, and to provide for a procedure for giving notice and making recommendations pursuant to proposed increases in the fees charged by residential collectors.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	Corbett	Goodwin	Parsons
Bailey	deGraffenried	Hand	Preuitt
Barron	Denton	Holmes	Rice
Bedsole	Dial	Horn	Sanders
Bishop	Dixon	Langford	Smith (B)
Cabaniss	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B. I. R., S. B. 674, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Barron	Denton	Holmes	Parsons
Bennett	Dial	Horn	Preuitt
Bishop	Dixon	Langford	Rice
Cabaniss	Drinkard	Manley	Smith (B)
Campbell	Ellis	Menton	Smith (J)
Corbett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 674. Relating to Madison County; providing an expense allowance for members of the county board of education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Barron	Denton	Holmes	Parsons	
Bennett	Dial	Horn	Preuitt	
Bishop	Dixon	Langford	Rice	
Cabaniss	Drinkard	Manley	Smith (B)	
Campbell	Ellis	Menton	Smith (J)	
Corbett	Figures			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., S. B. 675, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Dixon	Langford	Rice	
Bedsole	Drinkard	Manley	Sanders	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 675. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton	
Amari	deGraffenried	Hale	Mitchem	
Bailey	Denton	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Dixon	Langford	Rice	
Bedsole	Drinkard	Manley	Sanders	
Bennett	Ellis			—25

Nays: —0

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On motion of Senator Campbell, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 675.

BUDGET ISOLATION RESOLUTION

Senator Smith (B), B. I. R., S. B. 687, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bennett	Dixon	Langford	Rice
Bishop	Drinkard	Manley	Sanders
Cabaniss	Ellis	Menton	Smith (B)
Campbell	Figures	Mitchem	Smith (J)
deGraffenried	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 687. Relating to Madison County; to further provide that the county commission may provide additional compensation for poll officials in an amount not less than \$10 per day from the county general fund, by amending Act No. 79-660, Regular Session 1979, (Acts 1979, p. 1142).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bennett	Dixon	Langford	Rice
Bishop	Drinkard	Manley	Sanders
Cabaniss	Ellis	Menton	Smith (B)
Campbell	Figures	Mitchem	Smith (J)
deGraffenried	Hale		

—25

Nays:

—0

On motion of Senator Smith (B), Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 687.

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 668, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Langford
Amari	Cabaniss	Goodwin	Preuitt
Bailey	Campbell	Hale	Rice
Barron	Corbett	Hand	Sanders
Bedford	Dixon	Hilliard	Smith (B)
Bedsole	Ellis	Holmes	Smith (J)
Bennett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 668. Relating to Montgomery County; to provide for the compensation for the members of the Board of Registrars and to repeal Act No. 833, S. 789 and Act No. 845, H. 1095, 1978 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Langford	
Amari	Cabaniss	Goodwin	Preuitt	
Bailey	Campbell	Hale	Rice	
Barron	Corbett	Hand	Sanders	
Bedford	Dixon	Hilliard	Smith (B)	
Bedsole	Ellis	Holmes	Smith (J)	
Bennett	Figures			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B. I. R., H. B. 975, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Amari	Drinkard	Hilliard	Mitchem	
Bailey	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Campbell	Goodwin	Manley	Sanders	
Dial	Hale			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 975. To authorize the Lawrence County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Amari	Drinkard	Hilliard	Mitchem	
Bailey	Ellis	Holmes	Parsons	
Barron	Figures	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Campbell	Goodwin	Manley	Sanders	
Dial	Hale			—25

Nays:

—0

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28th Day

1877

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 790, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons
Amari	Cabaniss	Hilliard	Preuitt
Bailey	Campbell	Holmes	Rice
Barron	Dixon	Langford	Sanders
Bedford	Foshee	Menton	Smith (B)
Bedsole	Goodwin	Mitchem	Smith (J)
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 790. Relating to Montgomery County; to amend Section 5(7) of Act No. 356, H. 1066 of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for an annual independent audit of the Retirement System and an actuarial evaluation at least once in each five-year period.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons
Amari	Cabaniss	Hilliard	Preuitt
Bailey	Campbell	Holmes	Rice
Barron	Dixon	Langford	Sanders
Bedford	Foshee	Menton	Smith (B)
Bedsole	Goodwin	Mitchem	Smith (J)
Bennett	Hale		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., S. B. 681, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 681. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

On motion of Senator Dial, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 681.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., S. B. 685, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 685. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Horn
Barron	Denton	Goodwin	Langford
Bedford	Dial	Hale	Manley
Bedsole	Dixon	Hand	Preuitt
Bennett	Drinkard		

—25

Nays: —0

On motion of Senator Preuitt, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 685.

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 59, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchem
Amari	Cabaniss	Holmes	Parsons
Bailey	Campbell	Horn	Preuitt
Barron	Drinkard	Langford	Rice
Bedford	Goodwin	Manley	Sanders
Bedsole	Hale	Menton	Smith (B)
Bennett	Hand		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 59. Relating to the City of Gadsden, in Etowah County, amending Sections 4, 14 and 15 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158) which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for membership of the civil service board of the City of Gadsden and the meetings and minutes of said board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchem
Amari	Cabaniss	Holmes	Parsons
Bailey	Campbell	Horn	Preuitt
Barron	Drinkard	Langford	Rice
Bedford	Goodwin	Manley	Sanders
Bedsole	Hale	Menton	Smith (B)
Bennett	Hand		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 910, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0**BILLS ON THIRD READING RESUMED**

THE BILL:

H. 910. Relating to Talladega County; proposing an amendment to the Constitution of Alabama of 1901 to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for construction or financing or refinancing construction of a county jail; and providing for the removal of such fee in certain circumstances and the use of the fee not removed.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Preuitt, B. I. R., H. B. 977, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsole	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 977. Relating to Talladega County; to provide for the establishment of a Civil Service System; to provide for definitions, exempt and classified services; to provide for exemption, merit principle, civil service board and expenses; to provide for rules, classification and pay plans; to provide a register of eligible persons, filling vacancies in classified service; to provide for disciplinary action; to provide for complaints by private citizens; to provide for political activities; to provide for employee organizations; to provide for departmental work rules; to provide for a transitional period; to provide for certain unlawful acts and to provide penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard	
Amari	Cabaniss	Figures	Holmes	
Bailey	Campbell	Foshee	Horn	
Barron	Denton	Goodwin	Langford	
Bedford	Dial	Hale	Manley	
Bedsale	Dixon	Hand	Preuitt	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 1019, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsale	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1019. Relating to Cherokee County; repealing Act No. 1037, S. 929, Regular Session 1973 (Acts 1973, p. 1572), requiring certain indentification tags for house trailers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton
Amari	Cabaniss	Hilliard	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Foshee	Langford	Rice
Bedsole	Goodwin	Manley	Sanders
Bennett	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., H. B. 1022, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Langford
Barron	Denton	Goodwin	Preuitt
Bedford	Dial	Hale	Sanders
Bedsole	Dixon	Hand	Smith (B)
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1022. To authorize the Elmore County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Hilliard
Amari	Cabaniss	Figures	Holmes
Bailey	Campbell	Foshee	Langford
Barron	Denton	Goodwin	Preuitt
Bedford	Dial	Hale	Sanders
Bedsole	Dixon	Hand	Smith (B)
Bennett	Drinkard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., S. B. 682, adopted.

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1883

Yeas 17; Nays 1.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Bailey	deGraffenried	Hale	Preuitt	
Bedsole	Dial	Holmes	Rice	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Drinkard			—17

Nay: Senator Corbett —1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 682. Providing for a local salary supplement for the judge of the 17th judicial circuit; providing that any local salary supplement provided for said judge by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judge and prescribing the methods for determining and funding the local salary supplement provided by this act for said judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Bailey	Corbett	Hale	Preuitt	
Bedsole	deGraffenried	Holmes	Rice	
Bennett	Dial	Horn	Sanders	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Drinkard			—21

Nays: —0

On motion of Senator Manley, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 682.

BUDGET ISOLATION RESOLUTION

Senator Bailey requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bailey, B. I. R., H. B. 963, adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Langford	
Amari	Campbell	Goodwin	Manley	
Bailey	deGraffenried	Hale	Preuitt	
Bedford	Dial	Holmes	Rice	
Bennett	Dixon	Horn	Smith (J)	
Bishop	Drinkard			—21

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 963. To provide a form of municipal government to be known as the Mayor/Commission/City Manager form of government, which may be adopted by any Class 5 municipality in the State of Alabama; to provide the method by which any such city may adopt the Mayor/Commission/City Manager form of government; to define and provide the legal status, form of government and powers of any such city under the Mayor/Commission/City Manager form of government; to provide as the governing body of such city a city commission; to provide for a Mayor elected at-large and a four (4) member Commission elected from single-member districts, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and Commissioners and for the filling of vacancies in the office of Mayor and Commissioners and to provide the duties and authority of the Mayor and Commissioners; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission and adoption and the effect thereof; to provide for the terms and effects of succession in government of any city adopting the Mayor/Commission/City Manager form of government; to make various other provisions for any such city which adopts the Mayor/Commission/City Manager form of government and for the government thereof; and to provide for the means of abandoning the Mayor/Commission/City Manager form of government and the adoption by the city of other forms of municipal government in lieu thereof.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Parsons
Amari	Cabaniss	Hale	Preuitt
Bailey	Campbell	Holmes	Rice
Bedford	Corbett	Horn	Sanders
Bedsole	Dixon	Mitchem	Smith (J)
Bennett	Drinkard		

—21

Nays:

—0

RULE 35 SUSPENDED

On motion of Senator Bedford, Rule 35 was suspended to allow transmittal to the House of the Bills, S. B.'s 678 and 680.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Freeman:

H. 1058. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1058—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 1052. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1989 for educational purposes; and to make a legislative finding.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1052—to the Committee on Finance and Taxation

NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND JOINT RULES

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to add the following new Joint Rule:

Rule 24: Each joint resolution offered for introduction shall contain a title, and each joint resolution shall contain only one subject, which shall be clearly expressed in the title. Any joint resolution not in compliance with this rule shall be void.

Which was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 352

The Senate proceeded to further consideration of the Bill:

S. 352. To authorize the Governor, the Director of Finance and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority, to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor the power of eminent domain, and the power to sell and issue a principal amount of bonds not to exceed \$20,000,000 for such purposes; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services for occupancy by its components; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds; and to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances.

The question was on the Parsons amendment to the Committee substitute, as amended, which are set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

And said amendment was adopted.

And the substitute, as amended, was then adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Mitchem	
Bedsole	Denton	Hand	Parsons	
Bennett	Dial	Holmes	Preuitt	
Bishop	Dixon	Horn	Rice	
Cabaniss	Drinkard	Langford	Smith (B)	
Corbett	Ellis	Manley	Smith (J)	—23

Nays:

—0

REGULAR SESSION
28th Day

1887

And said Bill, S. B. 352, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Dixon	Holmes	Parsons	
Bedsole	Drinkard	Horn	Preuitt	
Bennett	Ellis	Langford	Rice	
Cabaniss	Goodwin	Manley	Smith (B)	
deGraffenried	Hale	Mitchem	Smith (J)	
Denton	Hand			—21

Nays: —0

On motion of Senator Bedsole, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 352.

BUDGET ISOLATION RESOLUTION

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., S. B. 359, adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bedsole	Dial	Hale	Preuitt	
Bishop	Dixon	Hand	Rice	
Cabaniss	Drinkard	Holmes	Smith (B)	
deGraffenried	Ellis	Langford	Smith (J)	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 359. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley	
Bedford	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hale	Preuitt	
Bennett	Dixon	Holmes	Rice	
Bishop	Drinkard	Horn	Smith (B)	
Cabaniss	Ellis	Langford	Smith (J)	
Corbett				—24

Nays: —0

On motion of Senator Goodwin, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 359.

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the Bill:

H. 695. To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from offshore wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at four percent.

On motion of Senator Goodwin, further consideration of the Bill was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF H. B. 747

The Senate proceeded to further consideration of the Bill:

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as _____ Bill No. _____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

The question was on the Committee substitute, which is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

Senator Bedford offered the following substitute No. 2 for the Committee substitute for the Bill, H. B. 747, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR H. B. 747

To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the

officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds, providing that capital outlay projects be subject to the approval of the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama, 1975; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby finds and declares that it is necessary, desirable and in the public interest that additional facilities be made available in this state for mental health purposes. It is the intention of the legislature by the passage of this act to authorize the formation of a public corporation for the purposes of providing for the acquisition, construction, improvement and equipment of the mental health facilities (including improvements to existing facilities), and to authorize the said corporation, in order to provide for payment of the costs of the said facilities, to anticipate the proceeds of that portion of a special state tax (originally levied by Act No. 275, adopted at the 1967 Regular Session of the Legislature of Alabama), that was levied for mental health purposes by the issuance of the bonds of the said corporation payable solely from the proceeds of the said tax.

Section 2. The following terms hereafter used in this act shall have the following respective meanings:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Bonds” means the bonds issued under the provisions of this act.

“Commissioner” means the Commissioner of Mental Health and Mental Retardation.

"Community facilities" means facilities operated by regional community mental health board established pursuant to section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens and community substance abuse programs certified by the Alabama Department of Mental Health and Mental Retardation that provide services for the treatment and care of individuals with mental or emotional illnesses, mental retardation, alcoholism or drug addiction.

"Department" means the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975.

"Directors" means the Board of Directors of the Authority.

"Mental health facilities" means any one or more of the following: hospitals and other facilities of any kind for treatment and care of the mentally ill and mentally retarded; regional or community-based mental health centers; regional or community-based facilities for treatment and care of the mentally ill or the mentally retarded; regional or community-based centers for the treatment of alcoholism or drug addiction; and improvements to existing state hospitals or other facilities for the treatment and care of the mentally ill and the mentally retarded.

"Legislative Oversight Commission" or "Oversight Commission" means the mental health capital outlay oversight commission created in Section 22-50-25 of the Code of Alabama 1975.

"Permitted Investments" means United States Securities, certificates of deposit fully secured by United States Securities and shall include investments in such obligations of the United States of America or its agencies under a repurchase agreement.

"United States Securities" means direct general obligations of the United States of America (including obligations of the state and local government series) and the obligations of any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds, debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or the plural. Any pronoun or pronouns used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 3. The corporation shall consist of the Governor, the director of mental health, three members shall be appointed by the Lieutenant Governor and three members shall be appointed by the speaker of the house and may become a public corporation with the powers hereinafter provided, by proceeding according to the provisions of Section 4 of this act, and add the Finance Director as a member.

Section 4. To become a corporation, the Governor, the director of mental health, the three members appointed by the Lieutenant Governor and the three members appointed by the speaker of the house shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants; (b) the date on which each applicant was inducted or elected into office and the term of office of each applicant; (c) the name

of the proposed corporation, which shall be the Alabama Mental Health Finance Authority; (d) the location of the principal office of the proposed corporation; and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. No fees or compensation shall be paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The president of the Authority shall be elected by the members of said authority, the Commissioner shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of the funds of the Authority, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for; provided, that the State Treasurer may designate one or more banks either within or without the state as the paying agent with respect to any series of bonds issued under this act. The members of the Authority shall constitute all the members of the board of directors of the Authority, and the presence of any three members of the directors shall constitute a quorum for the transaction of business. Should any person holding any office named in this section cease to hold office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the directors shall be reduced to writing by the secretary of the Authority, shall be signed by each of the directors, and shall then be recorded in a substantially bound book, which shall be kept in the office of the director of finance. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The board of directors of the Authority shall meet at such times and upon such notice as it shall determine.

Section 7. The Authority shall have the following powers among others specified in this act:

(1) To have succession by its corporate name until dissolved as provided in this act;

(2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

- (3) To have and to use a corporate seal and to alter the same at pleasure;
- (4) To make and alter all needful bylaws, rules and regulations for the transaction of the Authority's business and the control of its property and affairs;
- (5) To provide for the acquisition, construction, installation, equipping, operation and maintenance of mental health facilities, including the equipping and improvement of existing mental health facilities, provided that capital outlay projects be subject to approval by the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama 1975;
- (6) To receive, take and hold by sale, gift, lease, devise or otherwise, real and personal property of every description, and to manage the same;
- (7) To acquire by purchase, gift, or any other lawful means, and to transfer, convey or cause to be conveyed to the state, any real, personal or mixed property;
- (8) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;
- (9) To anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged, all in the manner hereinafter provided;
- (10) As security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriation and pledge herein provided for any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for its bonds, including letters of credit, bond insurance policies, surety bonds, all as the board of directors shall determine to be necessary or desirable;
- (11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate purpose and to exercise any power necessary for the accomplishment of the purposes of the Authority or incidental to the powers expressly set out herein; and
- (12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the directors, be necessary or desirable.

Section 8. For the purpose of acquiring, constructing, installing and equipping mental health facilities, the Authority is hereby authorized to issue and sell from time to time its bonds, which bonds may be in the form of interest-bearing bonds or noninterest-bearing bonds. The aggregate principal amount of bonds issued under this act shall (other than refunding bonds) not exceed one hundred million dollars (\$100,000,000). Provided, however, that the proceeds from the bonds issued under the provisions of this Act shall not be utilized for the construction, installing or equipping of community crisis stabilization units unless there are no available existing hospital beds that can be leased for said purposes within the community where such facility is to be operated.

Section 9. The bonds, which may be issued in one or more series, shall be in such forms and denominations and of such tenor and maturities, shall, if issued as interest-bearing bonds, bear such rate or rates of interest payable and evidenced in such manner, shall be payable in such installments, at such

time or times and at such place or places, and may contain other provisions not inconsistent with this act, all as may be provided in the resolution or resolutions of the directors wherein the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than thirty years after its date. The Authority may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such dates and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the bonds with respect to which such option of redemption is retained.

Section 10. The bonds shall be signed by the president of the Authority and attested by its secretary; provided, that a facsimile of the signatures of both of said officers may be printed or otherwise reproduced on any of the bonds in lieu of their being manually signed if the proceedings under which the bonds are issued provides for the manual authentication of such bonds by officers or employees of the state designated by the Authority. The seal of the Authority shall be impressed on the bonds; provided, that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon. Delivery of bonds so executed shall be valid notwithstanding any changes in officers subsequent to the signing of such bonds.

Fifty percent (50%) of the bonds issued under the provisions of this act shall be designated for community mental illness, mental retardation, and substance abuse facilities operated by regional community mental health boards established under section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens, and/or community substance abuse programs, all of which must be certified by the Alabama Department of Mental Health and Mental Retardation. Such community facilities may include, but shall not be limited to, those community facilities identified in the Department of Mental Health and Mental Retardation's Capital Construction Plan.

Section 11. Each series of the bonds may be sold at such price or prices and at such time or times as the directors may determine and may be sold at either public or private sale. In the event any bonds are sold at public sale, either on sealed bids or at public auction, such bonds must be sold to the bidder whose bid reflects the lowest total net interest cost to the Authority for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of the sale of any bonds at public sale shall be given either (a) by publication in either a financial journal or a financial newspaper published in the City of New York, New York, or (b) by publication in a newspaper published in the state which is customarily published not less often than six days during each calendar week, which notice must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority may fix the terms and conditions under which each sale of bonds may be held. The Authority may pay out of the proceeds from the sale of the bonds all expenses, fees, premiums, discounts, insurance premiums and commissions and letters of credit or other credit enhancement fees as the directors may deem necessary or advantageous. Neither a public hearing nor consent by the State Department of Finance or any other department of agency shall be a prerequisite to the issuance of any of the bonds. All bonds issued by the Authority shall contain a recital that they are issued pursuant to the provisions of this act, which recital

shall be conclusive evidence that the said bonds have been duly authorized pursuant to the provisions of this act.

Section 12. The bonds shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 16 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the Authority is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in Section 16 of this act for payment of the said principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the state. The bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 13. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

Section 14. Any bonds issued by the Authority under this act may from time to time thereafter be refunded by the issuance of refunding bonds of the Authority. Any such refunding bonds may be issued whether the bonds to be refunded shall have been matured or shall thereafter mature, and such refunding may be effected either by the sale of the refunding bonds and the applications of the proceeds thereof to the payment or redemption of the bonds so refunded or by the exchange of the refunding bonds for those to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the Authority according to their terms. Any refunding bonds may be issued in such aggregate principal amount as the Authority shall deem necessary to effect such refunding. The proceeds derived from any sale of refunding bonds remaining after payment of the expenses of their issuance shall be applied in accordance with the proceedings of the Authority under which such refunding bonds are issued. Pending the application of said proceeds to the purchase, redemption or payment of such outstanding bonds, the said proceeds may be invested in permitted investments pursuant to a trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be deemed not outstanding if the Authority, in the proceedings under which such refunding bonds are issued, establishes a trust fund comprised of cash or permitted investments, or both, sufficient to pay in accordance with the provisions of such trust fund, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a

trust fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 16 hereof, shall no longer be obligations of the Authority and shall be secured solely by and payable from the moneys and investments deposited in such trust fund.

Section 15. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned in to the state treasury, shall be carried in a special fund to be designated the Mental Health Facilities Building Fund, and shall be subject to be drawn on by the Authority for the purpose of paying costs of acquisition, construction, improvement and equipping of mental health facilities in the state.

For the purposes of this act, the improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment thereof and the construction of additions thereof, and the construction of a facility shall be deemed to include the acquisition of real estate sites and equipment therefor. For the purposes of this act, equipment shall mean any item of personal property having an estimated useful life of at least ten years.

The preparation of all plans and specifications for any building, or capital improvements to a building, constructed wholly or in part with any of the proceeds from the sale of the bonds and all work done hereunder in constructing buildings and capital improvements thereto shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. All work done in the construction of buildings and all purchases of equipment shall be made on the basis of competitive bidding in the manner provided by law. Any moneys remaining on deposit in the Mental Health Facilities Building Fund shall, upon completion of the acquisition and construction of mental health facilities and the payment of all costs in connection therewith, be applied either to redemption of bonds on the earliest date on which they are by their terms subject to redemption or otherwise utilized by the Authority in connection with the refunding of bonds.

Section 16. For the purpose of providing funds to enable the Authority to pay at their respective maturities and principal of and interest on any bonds issued by it under the provisions of this act and to accomplish the objects of this act, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of the receipts from the tax levied by Sections 40-25-2 and 40-25-41 and required to be distributed to the Authority in accordance with the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of (premium, if any) and interest on the bonds herein authorized.

Section 17. All contracts made, obligations incurred and bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create obligations or debts of the state.

Section 18. Any portion of the principal proceeds derived from the sale of the bonds which the board of directors may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the state treasurer in permitted investments which mature at such time or times as the Authority shall direct. Any such investments may, at any time and from time to time on

order of the Authority, be sold or otherwise converted by the state treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 19. The Authority shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private entity.

Section 20. At any time when the bonds and other obligations of the Authority have been paid in full, the Authority may be dissolved upon the filing with the secretary of state and written statement for dissolution, reciting payment in full of all bonds and other obligations of the Authority and which shall be sworn to by each such member before an officer authorized to take acknowledgments to deeds. Upon the filing of said written statement for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The secretary of state shall file and record the written statement for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the Authority is dissolved, and shall record the said certificate with the written statement for dissolution.

Section 21. Out of the revenues appropriated and pledged in Section 16 of this act, the state treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto. In the event that the state treasurer designates any bank as the paying agent with respect to any bonds, the state treasurer shall make available to such bank, not later than one business day prior to the date on which any principal of or interest on such bonds is due and payable, funds sufficient to pay such principal and interest due on such date.

Section 22. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 23. Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama, is hereby repealed.

Section 24. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Bedford, his substitute was laid on the table.

The question then recurred on the Committee substitute for the Bill, H. B. 747.

Senator Parsons moved that the substitute be laid on the table, which motion was lost.

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Yeas 14; Nays 19.

Yeas:

Senators:	Dial	Hilliard	Parsons
Bailey	Dixon	Holmes	Rice
Corbett	Ellis	Langford	Sanders
Denton	Figures	Menton	

—14

Nays:

Senators:	Bennett	Foshee	Manley
Amari	Bishop	Goodwin	Mitchem
Barron	Cabaniss	Hale	Preuitt
Bedford	Campbell	Hand	Smith (B)
Bedsole	deGraffenried	Horn	Smith (J)

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On motion of Senator Bishop, further consideration of the Bill, H. B. 747, and pending substitute, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 182. MEETING DAYS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights to executors and administrators; to characterize the rights of redemption; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements is ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed.

This act applies only to mortgages foreclosed on or after the effective date of this act which is January 1, 1989. To further repeal Alabama Code Sections 6-5-230 through 6-5-246 as amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 716. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun

County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 873. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the terms "motor fuel" and "gasoline", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 925. To regulate the registration and identification of certain mobile homes in Elmore County and to prescribe penalties for violation of the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 874. Relating to Greene County; to amend Act 87-621 (H. 1101) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the terms "motor fuel" and "gasoline", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 208. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking

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precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 516	165

State employees and teacher retirement benefits, auth. service retirement after 25 years without reduction of benefits, death benefit reg., conditional on actuary certification of suff. funds, Sec. 16-25-14, 16-25-15, 36-27-16, 36-27-3, amd.

On motion of Senator Bishop, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator deGraffenried, B. I. R., H. B. 516, adopted.

Yeas 26; Nays 2.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Bailey	Denton	Goodwin	Mitchem
Bedford	Dial	Hale	Preuitt
Bedsole	Dixon	Hilliard	Rice
Bennett	Drinkard	Holmes	Sanders
Bishop	Ellis	Horn	Smith (J)
Campbell	Figures	Langford	—26

Nays:

Senators:	Amari	Cabaniss	—2
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MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 164. MOURNING THE DEATH OF ALLEN G. THOMAS OF TUSKEGEE, ALABAMA.

Also:

S. J. R. 165. COMMENDING MARSHALL WILLIAMS OF CLAYTON, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

Also:

S. J. R. 166. COMMENDING DR. RANDY QUINN ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. J. R. 167. COMMENDING JONATHAN REID CORNELIUS OF THOMASVILLE, ALABAMA.

Also:

S. J. R. 168. COMMENDING A. W. COMPTON, JR., FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO THE CATTLE INDUSTRY.

Also:

S. J. R. 169. COMMENDING DEAN VERNON NATHANIEL HANSFORD OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 171. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF THE LATE COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 172. COMMENDING MRS. BERNICE JOHNSON OF BIRMINGHAM FOR EXTRAORDINARY ACHIEVEMENT.

Also:

S. J. R. 174. COMMENDING ALABAMA STATE UNIVERSITY AND ERSKINE RAMSEY HAWKINS, VERNEL ANTHONY FOURNIER, BENNY POWELL, HAYWOOD HENRY, JOE NEWMAN, HENRY PUGH AND THOMAS W. STEWART.

Also:

S. J. R. 175. CONGRATULATING AUNDRAY BRUCE OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 176. MOURNING THE DEATH OF PHILIP JEFFERSON KYSER OF DEMOPOLIS, ALABAMA.

Also:

S. J. R. 177. DECLARING THE WEEK OF JUNE 5-11, 1988 ALABAMA POULTRY WEEK.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 194. TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

S. J. R. 195. DESIGNATING APRIL 19, 1988, AS "JEANNE DOZIER DAY" IN ALABAMA.

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Also:

S. J. R. 197. CONGRATULATING RAYMOND BRYANT JONES, JR., OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 198. MOURNING THE DEATH OF MARY NEWELL WADSWORTH, WIDOW OF THE LATE JACK WADSWORTH OF WADSWORTH BROTHERS FARMS.

Also:

S. J. R. 201. DESIGNATING APRIL 20, 1988, AS "ERIC DUNN DAY" IN ALABAMA.

Also:

S. J. R. 202. COMMENDING THE ALABAMA JOURNAL FOR DISTINGUISHED ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 178. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

Also:

S. J. R. 181. COMMENDING CHAMP CHERIAN THOMASKUTTY OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 190. REQUESTING THE ALABAMA STATE HIGHWAY DEPARTMENT TO PROVIDE PLANS FOR TIMBER BRIDGES AND RECOMMENDING THAT SUCH BRIDGES, MEETING CERTAIN STANDARDS, BE USED FOR REPLACEMENT BRIDGES ON ALL COUNTY ROADS.

Also:

S. J. R. 191. NAMING THE "WILLIAM H. OSBORN ENGLISH BUILDING" AT SNEAD STATE JUNIOR COLLEGE.

Also:

S. J. R. 192. COMMENDING RAYMOND J. BOLAND, BISHOP OF THE DIOCESE OF BIRMINGHAM, ALABAMA, ON HIS EPISCOPAL ORDINATION AND INSTALLATION.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 854. To amend, alter, rearrange, extend, and confirm the boundary lines and corporate limits of the municipality of The City of Tallassee in Elmore County, Alabama and Tallapoosa County, Alabama.

JOHN W. PEMBERTON,
Clerk.

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 516. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal anti-discrimination requirements.

Senator Manley offered the following amendment to the Bill, H. B. 516, to-wit:

AMENDMENT TO H. B. 516

Delete entirely Section 7 on page 18, lines 7 through 29, and in lieu thereof, add the following new Section 7:

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the specific appropriation by the legislature to the retirement systems in such amounts as are necessary to fully fund the provisions of this act. Said appropriation must be made in a line-item appropriation to the retirement systems.

On motion of Senator deGraffenried, said amendment was laid on the table.

And said Bill, H. B. 516, was read a third time at length and passed.

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Yeas 30; Nays 1.

Yeas:

Senators:	Corbett	Foshee	Menton
Amari	deGraffenried	Goodwin	Mitchem
Bailey	Denton	Hale	Parsons
Bedford	Dial	Hilliard	Preuitt
Bedsole	Dixon	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	Smith (J)
Campbell	Figures	Manley	

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Nay: Senator Cabaniss —1

Senator deGraffenried moved that the Senate reconsider the vote by which the Bill, H. B. 516, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1. To provide for the issuing of distinctive license plates to certain handicapped persons at an additional fee of three dollars (\$3.00) per tag in those years when a metal plate is not received, and prohibits the transfer of said plate between motor vehicle owners.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 719. To establish the Alabama Underground Storage Tank Trust Fund; to provide for an annual underground storage tank trust fund fee, to be imposed upon underground storage tanks and that said fee may not exceed \$150 per regulated tank or be reduced below \$10 per regulated tank; provides that in the first year the tank fee will be set at \$100 per regulated tank; to provide for timely payments thereof and penalties for failure to pay the fees; to provide that the tank fee shall be held in a revolving trust fund and that the amount of the fund shall accumulate until the Fund reaches ten million dollars (\$10,000,000.00); to provide that the fees will abate when the total amount of the Fund reaches ten million dollars (\$10,000,000.00), and that the fee will be reimposed only when the Fund has been reduced to seven

and one-half million dollars (\$7,500,000.00); to provide for the imposition of the \$150 fee if at the end of any fiscal year the Fund has less than \$250,000; provides for special assessment of fees to protect the financial integrity of the Fund; establishes an Advisory Board to advise the Department of Environmental Management on certain matters; satisfies financial responsibility requirements for underground storage tank owners or operators as required by federal law; to provide for payment from the Fund for clean-up costs and third party claims; to provide for the method of proceeding with third party claims; gives the Attorney General authority to defend the Director representing the Fund and to have the costs reimbursed from the Fund; and to provide that none of the particulars of the Fund are admissible in court, provides for notification, guidelines and effective dates.

Also:

H. 141. Relating to pharmaceutical insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has insurance coverage or contract benefits for pharmaceutical services, including without limitation, prescription drugs, the right to select any pharmacy or pharmacist of his choice to furnish the pharmaceutical services, including without limitation, prescription drugs, provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this act; and to provide for penalties for violations as provided in section 27-1-12 of the Code of Alabama 1975.

Also:

H. 544. To exempt the Optimist Boys Center, Inc. from all county or local ad valorem taxation.

Also:

H. 969. Relating to Baldwin County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 970. Relating to Baldwin County; repealing Act No. 87-770, H. 1053, 1987 Regular Session (Acts 1987), which relates to gasoline tax for highways and bridges.

Also:

H. 971. Relating to Baldwin County; to amend Section 1 of Act No. 57, S. 71, Second Special Session 1978 (Acts 1978, p. 1745), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof and expressing legislative intent that the fee collected is in addition to other appropriations.

Also:

H. 972. Relating to Baldwin County; authorizing the circuit and district court judges in said county to conduct non-jury court proceedings in certain branch courthouses within the county not to exceed a total of 160 days during any year; and providing for a referendum on such authorization.

Also:

H. 759. Relating to Phenix City in Russell County; amending Act No. 71, H. 114, 1977 Regular Session, which provides for a council-manager form

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of government, so as to provide further for the compensation of the mayor and council members.

Also:

H. 768. Relating to Houston County; authorizing the Houston County Commission to levy an additional county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and distribution of the proceeds therefor; providing for an advisory referendum on the issue of adding such additional county tax; and providing that the said tax shall be subject to all rules, regulations, promulgations, authority and fines of the state department of revenue as are all other similar taxes.

Also:

H. 778. To fix the fee for the issuance of pistol permits in Dallas County and provide for the deposit of such fees in a fund known as the Sheriffs Law Enforcement Fund and provide for the use of such fund and effective date.

Also:

H. 786. To create in the City of Tuscaloosa, Alabama, a pension fund for all retired Special Police Officers of the City of Tuscaloosa appointed pursuant to the provisions of Act 96 of the 1975 4th Special Session (Acts of 1975, p. 2776).

Also:

H. 803. Relating to Shelby County; authorizing the county commission to levy a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 849. Relating to Lamar County; providing for an additional expense allowance for the county coroner.

Also:

H. 853. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 852. To authorize the Geneva County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 767. Relating to Houston County; to impose a special additional filing fee of two dollars (\$2.00) on certain instruments, documents, and papers

filed for record in the office of the Judge of Probate; to provide for the disposition of said fees; and to provide that said law shall be cumulative.

Also:

H. 758. Relating to Russell County; amending Act No. 81-470, 1981 Regular Session, which provides for an expense allowance for the coroner, so as to provide further for said expense allowance.

Also:

H. 742. Relating to the 24th judicial circuit; to amend the title and Sections 1 and 2 of Act No. 47, H. 46, 1956 Second Special Session (Acts of 1956, Vol. 1, p. 339), which act provides for a law enforcement fund in such circuit consisting of certain district attorneys' fees, so as to provide that such fund shall be for the use of the district attorney of the 24th judicial circuit; and to provide for the effective date of this amendatory act.

Also:

H. 734. Relating to Madison County; to provide further for the salary of the Probate Judge, effective upon the next term of office; to provide that such salary be paid from the county general fund; and that such salary shall constitute the total compensation paid to the probate judge, in lieu of any other salary, allowance or compensation heretofore provided by law.

Also:

H. 729. Relating to Colbert County; to amend further Section 2 of Act No. 1144, S. 593, 1969 Regular Session (Acts 1969, p. 2145 and Act 1255, H. 1118, 1969 Regular Session, (Acts 1969, 2372), which act provides for the county law library, so as to provide further for the collection of court costs for the maintenance of said library.

Also:

H. 721. Relating to Marion County; authorizing the county commission to levy and collect a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes if levied by the county commission; and providing for enforcement of this act.

Also:

H. 718. To provide for the compensation of the governing members of The Utilities Board of the City of Sylacauga, Alabama, a corporation.

Also:

H. 685. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 987. To propose an amendment to the Constitution of 1901 pertaining to Limestone County, to provide that no police jurisdiction of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality.

Also:

H. 772. To propose an Amendment to the Constitution of Alabama of 1901, to authorize the Morgan County Commission to grant money to the county sheriff's posse.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 894. To propose an amendment to the Constitution of Alabama of 1901, as amended, providing for Pike County Government Modernization, so as to provide for: the county unit system; the abolition of the offices of tax assessor and tax collector and the combination of those duties in a new office, the revenue commissioner; and the separation of the duties of judge of probate and chairman of the county commission.

Also:

H. 901. To propose an amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Choctaw County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 886. Relating to Lee County; authorizing the county commission to levy and collect a one percent sales tax outside the corporate limits of the cities of Auburn and Opelika paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection of such tax by the state department of revenue; providing for distribution and use of the proceeds; and prescribing penalties and fixing punishment for violation of this act.

Also:

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars retroactive to October 1, 1987.

Also:

H. 902. Relating to Choctaw County; providing further for the compensation of the judge of probate.

Also:

H. 903. Relating to Choctaw County, providing further for the compensation of the members of the county commission and repealing Act No. 81-748, H. 1124, 1981 Regular Session, and Act No. 81-917, H. 15, 1981 1st Special Session.

Also:

H. 905. Relating to Cleburne County; to provide further for the duties of the Probate Judge so as to allow the Probate Judge to have one general index book relative to transactions in the probate office of Cleburne County.

Also:

H. 906. Relating to Cleburne County; authorizing the renewal of business licenses by mail; authorizing certain additional fees and cost pursuant to such system of renewal; and providing that such fees shall be set by the County Commission from time to time to pay the cost of mailing said licenses.

Also:

H. 907. Relating to Cleburne County; providing further for the duties of the county health department and its agents in performing certain tests for septic tank installation; and repealing conflicting laws.

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Also:

H. 915. Relating to Geneva County and the compensation of the coroner; amending Act No. 81-367, H. 896, 1981 Regular Session (Acts 1981, p. 535), which sets the compensation of the coroner, so as to increase the expense allowance.

Also:

H. 872. Relating to Lawrence County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Hillsboro to cause areas north and east of and contiguous to existing corporate limits to be included within the town.

Also:

H. 875. Relating to Lowndes County; to amend Act 87-620 (H. 1088) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the term "motor fuel", to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

Also:

H. 880. Relating to Lee County; amending Act No. 81-736, H. 1053, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

Also:

H. 881. Relating to Lee County; providing for the creation, appointment, powers and duties of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and providing for the county commission to set the compensation of such officer.

Also:

H. 882. Relating to Lee County; amending Act No. 83-682, S. 547, 1983 Regular Session, which provides for registration fees on mobile homes, so as to increase said fees.

Also:

H. 883. Relating to Lee County; amending Act No. 81-735, H. 1052, 1981 Regular Session, which provides for certain court costs, so as to provide further for said costs.

Also:

H. 884. Relating to Lee County; providing further for additional costs and charges in all Circuit and District Court cases, excluding Small Claims Division, and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of such funds.

Also:

H. 892. Relating to Limestone County, to provide that the total annual compensation of the chief deputy sheriff shall be an amount equal to seventy-five percent of the total annual compensation paid to the sheriff of said county, to be payable from the county treasury.

Also:

H. 893. Relating to the thirty-ninth judicial circuit; providing a certain optional allowance for the district attorney in said circuit.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 916. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 917. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

Also:

H. 918. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

Also:

H. 919. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 921. Relating to Marshall County; to create a motor vehicle license and title division within the probate judge's office for the issuance of motor

vehicle licenses and titles; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicles licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of motor vehicle licenses and titles; and to transfer certain duties now performed by the tax collector and tax assessor to said probate judge.

Also:

H. 922. Relating to Coosa County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 923. Relating to Coosa County; levying an additional ad valorem tax in said county to be used for certain fire protection and ambulance service and providing for a referendum.

Also:

H. 926. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 757. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

Also:

H. 765. To further amend Act No. 81-450, H. 825, Regular Session 1981 (Acts 1981, p. 773), which act, as amended, relates to Mobile County and authorizes the county commission to establish a solid waste management

program in the unincorporated areas of the county, so as to provide for the removal and reappointment of appointed members of the Solid Waste Management Advisory Board who miss two or more consecutive meetings of the board, and to provide for a procedure for giving notice and making recommendations pursuant to proposed increases in the fees charged by residential collectors.

Also:

H. 855. Relating to Perry County, to amend Act No. 80-492, H. 1040, 1980 Regular Session, which pertains to levying and collecting assessments on forestlands, so as to increase the amount of said levy.

Also:

H. 949. Relating to the Thirteenth Judicial Circuit (Mobile County); to amend Section 1 of Act No. 82-675, S. 23, First Special Session 1982 (Acts of Alabama; First, Second, Third Special Sessions, 1982, p. 109), relating to the appointment, duties and compensation of assistant district attorneys, so as to provide further that the assistant district attorneys shall be paid according to the amended schedule of salaries.

Also:

H. 984. Relating to Madison County; authorizing the county commission to establish an animal control shelter program to provide for the annual licensing of dogs and cats; authorizing the collection of fees to fund the animal control shelter program; and authorizing the position of animal control officer.

Also:

H. 981. To authorize the Morgan County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 938. To authorize the Clay County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service.

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No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 951. To fix the fee for the issuance of pistol permits in Clay County and provide for the deposit of such fees in a fund known as the Sheriff's Law Enforcement Fund and provide for the use of such fund and an effective date.

Also:

H. 952. Authorizing the Barbour County Commission to compensate a secretary who shall work in the office of the sheriff.

Also:

H. 958. To amend Section 7 of Act No. 287, H. 734 of the 1943 Regular Session (Local Acts 1943, p. 165), as amended, which created the Municipal Utilities Board of Albertville, Alabama, so as to provide further for the compensation of the members of such board and to specifically repeal Section 15 of said Act No. 287, which relates to expenditures by said board.

Also:

H. 944. To authorize the Cleburne County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 950. Relating to Clay County; abolishing the office of constable and providing an effective date.

Also:

H. 959. Relating to Bullock County; providing that the sheriff, chairman of the county commission and judge of probate of Bullock County shall receive the same amount of compensation for serving as such officers.

Also:

H. 961. To authorize the Calhoun County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 964. Relating to Shelby County; to legalize the sale of draft or keg beer; and to provide for the sale thereof by retail licensees of the Alabama Alcoholic Beverage Control Board.

Also:

H. 976. To authorize the official court reporter of the Thirty-fifth Judicial Circuit to enroll, retroactively, in the retirement system of either

or both of the counties comprising said circuit, notwithstanding the strictures of Title 36-27-6, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Senators Dixon, deGraffenried, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Joint Resolution, to-wit:

S. J. R. 209. MOURNING THE DEATH OF JOHN B. JOHNSON OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the sudden and untimely death of our good friend John B. (Johnny) Johnson of Montgomery, Alabama, who died April 26, 1988, at the age of 50 years; and

WHEREAS, Mr. Johnson had been the Executive Director of the Alabama Petroleum Council since 1975 and was an able and distinguished member of the Montgomery Rotary Club, the Alabama Travel Council, the Alabama Council of Association Executives, the Advisory Board of the Alabama Resource Development Committee, the Church of the Ascension and numerous other civic, humanitarian and social organizations; and

WHEREAS, Johnny Johnson will long be remembered for his honesty and integrity; his concern and willingness to help his fellowman; his love for his family; his involvement in community activities and the professionalism that he displayed in communications with legislators and other state officials; and

WHEREAS, he was a man of outstanding character whom we all loved and whose death leaves behind a deep void in the legislative halls of our State House and in the hearts of all whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the tragic death of John B. (Johnny) Johnson of Montgomery, Alabama, and direct that copies of this resolution of condolence be forwarded to his wife, Karen Britton Johnson, and to his son, Lewis Johnson.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

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NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

NOTICE IN WRITING OF MOTION TO AMEND SENATE RULES

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to add the following new Senate Rule Number 80:

Rule 80: Each joint resolution offered for introduction shall contain a title, and each joint resolution shall contain only one subject, which shall be clearly expressed in the title. Any joint resolution not in compliance with this rule shall be void.

Which was read and ordered filed with the Secretary.

RESOLUTION

Senator Preuitt offered the following Senate Resolution, to-wit:

S. R. 210. COMMENDING CHARLES F. MILLER OF TALLADEGA HIGH SCHOOL ON HIS DISTINGUISHED COACHING CAREER.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 695, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Manley
Bailey	Denton	Goodwin	Menton
Bedford	Dial	Hale	Mitchem
Bedsole	Dixon	Hilliard	Preuitt
Bennett	Drinkard	Holmes	Rice
Cabaniss	Ellis	Langford	Sanders
Campbell	Figures		

—25

Nays:

—0

FURTHER CONSIDERATION OF H. B. 695

The Senate proceeded to further consideration of the Bill, H. B. 695.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 695, to-wit:

SUBSTITUTE FOR H. B. 695

**A BILL
TO BE ENTITLED
AN ACT**

To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at a lower rate of six percent for onshore wells and four percent for offshore wells.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

“§40-20-2.

“(a)(1) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided herein in subsequent subdivisions of this subsection.

“(2) Effective May 1, 1985, and thereafter, the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at the point of production of said incremental oil or gas production. The state oil and gas board of Alabama shall approve the qualified enhanced recovery project and the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to section 9-17-7, as amended, and shall notify the Alabama department of revenue thereof.

“(3) All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production;

“(4) ~~all~~ All oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six-percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the state oil and gas board of Alabama after July 1, 1984, and that all production to receive a six-percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six-percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent five-year, tax rate period for only the remainder of the said tax rate period;

“(5) ~~and all~~ All oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six-percent of the gross value of said oil or gas production at the point of production.

“(6) ~~However, any~~ Any well which begins commercial production of occluded natural gas from coal seams after June 7, 1984, shall be taxed at

the rate of two percent of the gross value of said occluded natural gas from coal seams at the point of production for a period of five years after such well begins production.

“(7) For any well for which the initial permit issued by the oil and gas board is dated on or after July 1, 1988, except a replacement well for a well for which the initial permit issued by the oil and gas board is dated before July 1, 1988, the rates provided in subdivisions (1) and (5) of this subsection shall be reduced by 2%.

“(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into the earth for cycling, repressuring, pressure maintenance, or lifting of oil, or lawfully vented or flared in connection with the production of oil shall be exempt from this tax; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt from this tax.

“(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in section 40-20-1.

“(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in section 40-20-1.

“(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil

from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 2. The provisions of this amendatory act shall become effective on June 1, 1988, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Corbett	Figures	Manley	
Amari	deGraffenried	Foshee	Menton	
Bailey	Denton	Goodwin	Mitchem	
Bedford	Dial	Hale	Parsons	
Bedsale	Dixon	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Campbell	Ellis	Langford		—26

Nays:

—0

Senator Foshee offered the following substitute for the Bill, H. B. 695, as amended, to-wit:

SUBSTITUTE FOR H. B. 695, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at a lower rate of six percent for onshore wells and four percent for offshore wells, provides further for the distribution of said taxes, and repeals Section 40-20-8, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-20-2, Code of Alabama 1975, is hereby amended to read as follows:

"§40-20-2.

"(a)(1) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided ~~herein~~ in subsequent subdivisions of this subsection.

"(2) Effective May 1, 1985, and thereafter, the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at

the point of production of said incremental oil or gas production. The state oil and gas board of Alabama shall approve the qualified enhanced recovery project and the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to section 9-17-7, as amended, and shall notify the Alabama department of revenue thereof.

"(3) All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production;

"(4) ~~all~~ All oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six-percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the state oil and gas board of Alabama after July 1, 1984, and that all production to receive a six-percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six-percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent five-year, tax rate period for only the remainder of the said tax rate period;

"(5) ~~and all~~ All oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six-percent of the gross value of said oil or gas production at the point of production.

"(6) ~~However, any~~ Any well which begins commercial production of occluded natural gas from coal seams after June 7, 1984, shall be taxed at the rate of two percent of the gross value of said occluded natural gas from coal seams at the point of production for a period of five years after such well begins production.

"(7) For any well for which the initial permit issued by the oil and gas board is dated on or after July 1, 1988, except a replacement well for a well for which the initial permit issued by the oil and gas board is dated before July 1, 1988, the rates provided in subdivisions (1) and (5) of this subsection shall be reduced by 2%.

"(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into the earth for cycling,

repressuring, pressure maintenance, or lifting of oil, or lawfully vented or flared in connection with the production of oil shall be exempt from this tax; however, if any gas so injected into the earth is sold for such purposes, then the gas so sold shall not be exempt from this tax.

“(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in section 40-20-1.

“(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in section 40-20-1.

“(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.”

Section 2. (a) Sixty-six and two-thirds percent of all taxes herein levied and collected by the department, after the same has been certified into the state treasury, shall be allocated and distributed by the comptroller to the credit of the general fund of the state and to the county in which the oil or gas was produced and to the municipalities therein in the proportion set out in the following schedule:

(1) Twenty-five percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within any county, shall be allocated and distributed to each such county for county purposes or to be expended at the discretion of the county governing body. In all counties having a population of not less than 34,875 nor more than 36,000, according

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to the 1970 federal decennial census, such funds shall be allocated and distributed to the boards of education of the public schools in such counties on a pro rata basis as established by the number of children in net enrollment in the public schools during the prior school attendance year. In all counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census, such funds shall be allocated and distributed as follows: Each year the first \$150,000.00 shall be paid to the custodian of the county school funds, and after the payment of said \$150,000.00 each year, the balance of such funds shall be divided and paid one-third to the custodian of the county school funds and two-thirds to the custodian of the county general funds.

(2) Ten percent of all taxes herein levied and collected on oil and gas produced from oil or gas wells located within the corporate limits or the police jurisdiction of any municipality shall be allocated and distributed to each such municipality.

(3) Fifty percent of the first \$150,000.00 remaining, or any part thereof, collected per year under the provisions of this act, shall be allocated and distributed to the state, 42 1/2 percent to the county and seven and one-half percent to municipalities therein on a population basis.

(4) Eighty-four percent of all additional sums collected per year under the provisions of this act shall be allocated and distributed to the state, 14 percent to the county and two percent to municipalities therein on a population basis.

(b) Sixteen and two-thirds percent of all taxes herein levied and collected by the department shall be certified into the state treasury to the credit of the state general fund.

(c) Sixteen and two-thirds percent of all taxes herein levied and collected by the department on oil and gas produced from oil or gas wells located within any county shall be allocated and distributed to each such county for county purposes, to be expended at the discretion of the county governing body.

Section 3. Section 40-20-8, Code of Alabama 1975, is hereby repealed.

Section 4. The provisions of this amendatory act shall become effective on June 1, 1988, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Goodwin, said substitute was laid on the table.

Senator Corbett offered the following amendment to the Bill, H. B. 695, as amended, to-wit:

AMENDMENT TO H. B. 695, AS AMENDED

Amend HB 695, as amended, as follows:

On Page 1, line 14 strike the "." and add the following:

"and to name the act."

Further amend HB 695, as amended, on page 1, line 25 by striking the "." and adding the following

"and to name the act."

Further amend HB 695, as amended, on page 1, before line 27 by inserting a new Section 1 as follows:

Section 1. This act shall be cited as the "John B. 'Johnny' Johnson Act."

Renumber the subsequent sections accordingly.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Manley	
Amari	deGraffenried	Goodwin	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dial	Hilliard	Parsons	
Bedsole	Dixon	Holmes	Preuitt	
Cabaniss	Drinkard	Langford	Rice	
Campbell	Figures			—25

Nays: —0

And said Bill, H. B. 695, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Senators:	Campbell	Figures	Manley	
Amari	Corbett	Foshee	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Barron	Denton	Hale	Parsons	
Bedford	Dial	Hilliard	Preuitt	
Bedsole	Dixon	Holmes	Rice	
Cabaniss	Drinkard	Langford	Sanders	—27

Nays: —0

RECESS

The hour of 6 o'clock P.M. having arrived, in accordance with Motion heretofore adopted, the Senate took a recess until 7:30 this evening.

NIGHT SESSION
TWENTY-EIGHTH LEGISLATIVE DAY
APRIL 26, 1988

The Senate reassembled in the Senate Chamber, Lieutenant Governor Folsom presiding.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

—34

**REPORT OF
 COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 352. To authorize the Governor, the Director of Finance, the Lieutenant Governor, the Speaker of the House and the Director of the Department of Youth Services of the State of Alabama to become a public corporation to be known as Alabama Youth Care Authority; to provide the procedure for incorporation; to designate the members, directors and officers of the authority; to provide for meetings of the authority; to prescribe the powers of the authority, including the power to provide for the acquisition, construction, installation and equipping of youth care and other facilities which shall include one or more buildings and the site or sites therefor, the power of eminent domain, and the power to sell and issue a principal amount of bonds which shall not exceed in aggregate face amount issued, regardless of subsequent retirement of principal, \$20,000,000, exclusive of temporary obligations and refunding bonds; to specify the application of the proceeds of the bonds of the authority; to authorize the authority to pledge such revenues from its leases as may be necessary to pay the principal of, premium, if any, and interest on its bonds; to empower the State Treasurer to disburse funds of the authority; to provide for the lease of said facilities to the Department of Youth Services to carry out its statutory purposes or to others; to provide for the investment of the proceeds from the sale of the bonds of the authority; to authorize the issuance by the authority of refunding bonds; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide that all properties of the authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable

solely out of revenues of the authority and shall not create an obligation or debt of the State of Alabama; to provide that any bonds issued by the authority may be used as security for state deposits and investment of public funds and fiduciary funds; to provide that no earnings of the authority shall inure to private entities; to create the Alabama Youth Care Authority Legislative Oversight Committee and provide for its composition, duties, powers, and expense allowances; and to provide for dissolution of the authority and conveyance of its properties to the State of Alabama upon payment of said bonds.

BILL DRINKARD,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 1045. Applying only to Bibb County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1045, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1045—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 1042. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

REGULAR SESSION
28th Day

1925

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1042, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1042—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 1043. To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to repeal Act No. 81-839, H. 1116, 1981 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1043, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1043—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Headley (With Notice and Proof):

H. 1044. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county

courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1044, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1044—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham (With Notice and Proof):

H. 1033. Relating to Lee County; to authorize the county commission, subject to the referendum approval of a majority of the qualified electors of any fire fighting district, to levy and collect charges on property within fire fighting districts of Lee County; to authorize the county commission to establish fire protection districts and enter into agreements with volunteer fire departments for fire protection services in said districts; to provide for the assessment, collection, and use of the proceeds of such charges; and to provide for a procedure of holding referendum elections in fire protection districts in order to ratify the charges herein authorized.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1033, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Beasley (With Notice and Proof):

H. 1051. Notice is hereby given of the intention to introduce and ask for passage at the present session of the Legislature of the State of Alabama of the following Act:

An Act to provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416, and to provide for retroactive effect.

REGULAR SESSION
28th Day

1927

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1051, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1033 and 1051—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Rep. McKee (With Notice and Proof):

H. 937. To authorize the Montgomery County Board of Health to designate the services for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 937, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 1039. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1039, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 937 and 1039—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Buskey (JL) and Walker (With Notice and Proof):

H. 848. Relating to the City of Montgomery; providing that city employees shall observe and be given certain holidays.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 848, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 848—to the Committee on Local Legislation No. 1

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 211. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 341	140

Cigarette tax, revenue distrib. to Forestry Commission and certified volunteer fire depts., Secs. 40-25-2, 40-25-23 am'd.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 341, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Manley	
Bailey	Cabaniss	Goodwin	Mitchem	
Barron	Campbell	Hale	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Smith (J)	
Bennett	Dixon	Langford		—22

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, which was the Bill:

H. 341. To levy a tax on all tobacco products; to amend section 40-25-23, Code of Alabama 1975, relating to the disposition of revenue collected under the tobacco tax, so as to provide further for said disposition of revenue; to provide for the elimination of all tobacco taxes by any city, town or county; to amend section 40-25-41, Code of Alabama 1975, relating to the use tax on tobacco products, so as to provide further for said tax; and to repeal sections 40-25-2, 40-25-3, 40-25-4 and 40-25-29, Code of Alabama 1975, relating to the tax on tobacco products.

The Standing Committee on Judiciary reported the following amendment No. 1 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 1 TO H. B. 341

On p. 14, delete all the language on lines 2 through 25 and insert in lieu thereof:

"i. Forty percent of the above share shall be distributed to volunteer fire departments certified by the Alabama Forestry Commission, volunteer and/or paid fire districts, and paid municipal departments on an equal basis, share and share alike wherever and whenever such fire department exists in the state of Alabama.

"ii. Forty percent of the above share shall be distributed as follows:

"A(1) Each county's share shall be computed as a percent of the state population; provided, however, any county that presently has a tobacco tax of any kind for fire protection will receive their funds from h. 1. above and shall be excluded both in population computation and sharing in the fund provided for in this subparagraph. The latest federal decennial census shall be utilized in this computation.

"A(2) Divide each county's amount by the number of departments and districts as defined in item i above, on an equal basis.

"A(3) The amount thus derived shall be distributed to each department and district in the respective county.

"iii. Ten percent of the above share shall be utilized to aid in the formation and/or certification of volunteer fire departments not now certified or existing. New volunteer fire departments may be formed in each county with the advice and consent of the county association of volunteer fire departments. If no association exists in a county, the county supervisor of the State Forestry Commission and volunteer fire chiefs of that county shall serve as an association for this purpose. Such decisions regarding new departments shall be made prior to the implementation of this aspect of this act in each county and such action must ultimately insure that all areas in Alabama will be covered by a certified volunteer fire department, fire district or paid municipal fire department. Funds in this item may also be used to meet special needs of certified volunteer fire departments.

"iv. Ten percent of the above share shall be used by the State Forestry Commission for the administration of this program and such other fire

protection needs as are authorized in section 9-13-4 of the Code of Alabama 1975. The Forestry Commission is charged to diligently work to bring all areas and/or departments identified in item iii above to the point that all Alabama is covered by departments as noted in item i above.

"The State Forestry Commission shall have authority to promulgate rules and regulations having the force and effect of law pertaining to items i, ii, iii, and iv above. The state forester of the said State Forestry Commission shall publish such rules and regulations in accordance with the provisions of the Alabama Administrative Procedure Act."

On motion of Senator Preuitt, said amendment No. 1 was laid on the table.

The Standing Committee on Judiciary then reported the following amendment No. 2 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 2 TO H. B. 341

On p. 5, delete all the language on lines 4 and 5 and insert in lieu thereof:

(1) Cigars.—Upon little cigars containing not more than 10 in a package, \$.04 per package.

In packages containing more than 10 but not exceeding 20 little cigars, \$.08 per package.

Cigars that retail for more than \$.08 each and not exceeding \$.10 each, \$.01 per cigar.

Cigars that retail for more than \$.10 each and not exceeding \$.20 each, \$.02 per cigar.

On all other cigars, \$.03 each.

On motion of Senator Corbett, said amendment No. 2 was laid on the table.

The Standing Committee on Judiciary then reported the following amendment No. 3 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 3 TO H. B. 341

On page 11, line 22, delete the period and insert in lieu thereof:

, but in no event shall the municipality receive an amount in excess of the net amount that the municipal tobacco taxes produced for the fiscal year ending in 1987.

On motion of Senator Preuitt, said amendment No. 3 was laid on the table.

The Standing Committee on Judiciary then reported the following amendment No. 4 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 4 TO H. B. 341

On page 12, delete all the language on lines 10, 11 and 12.

On page 16, insert the following language as a new Section 5 and renumber the present Section 5 and subsequent Sections accordingly:

Section 5. It is further provided that if the provision of Act No. 87-522 shall become effective the tax and provision of law therein shall apply.

On motion of Senator Preuitt, said amendment No. 4 was laid on the table.

The Standing Committee on Judiciary then reported the following amendment No. 5 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 5 TO H. B. 341

On page 12, lines 8 and 9, delete the language "Sections 1, 2 and 3" and insert in lieu thereof:

Sub-Section h. 1.

On motion of Senator Preuitt, said amendment No. 5 was laid on the table.

The Standing Committee on Judiciary then reported the following amendment No. 6 to the Bill, H. B. 341, to-wit:

AMENDMENT NO. 6 TO H. B. 341

On p. 10, line 31, delete the period and insert in lieu thereof:

, but in no event shall the county receive an amount in excess of the net amount that the county tobacco taxes produced for the fiscal year ending in 1987.

On motion of Senator Preuitt, said amendment was laid on the table.

Senator Preuitt then offered the following substitute for the Bill, H. B. 341, to-wit:

SUBSTITUTE FOR H. B. 341

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 40-25-2 of the Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23 of the Code of Alabama 1975, so as to provide for the disposition of the additional cigarette tax proceeds to the Alabama Forestry Commission for State Forestry Commission purposes as well as for distribution to certified volunteer fire departments as well as certain municipal fire departments signing mutual aid agreements; and to provide for the promulgation of rules and regulations by the State Forestry Commission governing authorized mutual aid agreements between certified volunteer fire departments and contiguous, paid municipal fire departments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-25-2, Code of Alabama 1975, is hereby amended to read as follows:

"§40-25-2.

"(a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club or association, within the state of Alabama, who sells or stores or receives for the purpose of distribution to any person, firm, corporation, club or association within the state of Alabama,

cigars, cheroots, stogies, cigarettes, smoking tobacco, chewing tobacco, snuff, or any substitute therefor, either or all, shall pay to the state of Alabama for state purposes only a license or privilege tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm, corporation, club or association in Alabama. There is hereby levied license or privilege taxes on articles containing tobacco enumerated in this article in the following amounts:

“(1) LITTLE CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per 1,000, \$.02 for each ten cigars, or fractional part thereof.

“(2) CHEROOTS, STOGIES, CIGARS, ETC.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, \$1.50 per 1,000.

“(3) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than \$.05 each, \$3.00 per 1,000.

“(4) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.05 each and not exceeding \$.08 each, \$4.50 per 1,000.

“(5) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.08 each and not exceeding \$.10 each, \$7.50 per 1,000.

“(6) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.10 and not exceeding \$.20 each, \$15.00 per 1,000.

“(7) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.20 each, \$20.25 per 1,000.

“(8) CIGARETTES.—Upon all cigarettes made of tobacco, or any substitute therefor, ~~8.25~~ 10.25 mills on each such cigarette.

“(9) SMOKING TOBACCO.—Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette, upon each package: weighing not more than one and one-eighth ounces, tax \$.02; over one and one-eighth ounces, not exceeding two ounces, tax \$.05; over two ounces, not exceeding three ounces, tax \$.08; over three ounces, not exceeding four ounces, tax \$.11; \$.03 additional tax for each ounce or fractional part thereof over four ounces.

“(10) CHEWING TOBACCO.—Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subdivision (9) of this subsection: three-fourths cent per ounce or fractional part thereof.

“(11) SNUFF.—Upon each can or package of snuff weighing not more than five-eighths ounces, one-half cent tax; over five-eighths ounces and not exceeding one and five-eighths ounces, \$.01 tax; over one and five-eighths ounces and not exceeding two and one-half ounces, \$.02 tax; over two and one-half ounces and not exceeding five ounces (cans, packages, gullets), \$.03 tax; over three ounces and not exceeding five ounces (glasses, tumblers, bottles), three and one-half cents tax; over five ounces and not exceeding

six ounces, \$.04 tax; weighing over six ounces, an additional \$.06 for each ounce or fractional part thereof.

“(b) Whenever in this article reference is made to any manufactured tobacco products, manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary or usual price paid by the consumer for such tobacco products taxable under this article.

“(c) Whenever in this article reference is made to any manufactured tobacco products on which the tax is based on weight, the weight as shown by the manufacturer or the federal internal revenue stamp shall apply.

“(d) When the retail or selling price is referred to in this article as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

“(e) When any articles or commodities subject to tax in this article are given as prizes on punch boards, shooting galleries, premiums, etc., the tax shall be based on the ordinary retail selling price of such articles.

“(f) The tax herein levied shall be paid to the state through the use of stamps as herein provided. However, every wholesaler, distributor, jobber or retail dealer shall add the amount of the tax levied herein to the price of the tobacco or tobacco products sold, it being the purpose and intent of this provision that the tax levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber or retail dealer acting merely as an agent of the state for the collection and payment of the tax to the state. Therefore, notwithstanding any exemptions from taxes which any such seller may now or hereafter enjoy under the Constitution or laws of this or any other state, or of the United States, he shall collect the tax imposed hereunder from the purchaser or consumer, and the amount of the tax shall constitute a debt from the purchaser or consumer to the seller until paid. It shall be unlawful for any person, firm, corporation, association or copartnership to fail or refuse to add to the sales price and collect from the purchaser the amount of the tax to be added to the sales price and collected from the purchaser hereunder. Stamps in denominations to the amount of the tax or in denominations specified pursuant to subsection (g) of this section shall be affixed to the box or other container from or in which tobacco products taxed by this section are normally sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and in case of cigars, cheroots, chewing tobacco and like manufactured tobacco products, where sales are made from the original container, the stamps shall be affixed to the box or container in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, smoking tobacco, snuff and like products sold at retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package or container. All taxable tobaccos herein enumerated, when offered for sale, either at wholesale or retail, without having stamps affixed in the manner set out by this article, shall be subject to confiscation, in the manner provided for contraband goods as set out in this article.

“(g) The commissioner of revenue shall prepare and issue stamps in denominations for the amount of the tax imposed by this article, provided that if the commissioner determines that it is not economical for the state to have a stamp prepared and issued for one or more particular types of

packages of tobacco products, then he may by regulation prescribe the use of a stamp in a denomination other than for the amount of the tax imposed with the difference between the amount of tax actually imposed and the amount of tax denominated by the stamp paid with the use of a monthly report; or he may require a monthly report without use of a stamp to report the amount of taxes due."

Section 2. Section 40-25-23, Code of Alabama 1975, is hereby amended to read as follows:

"§40-25-23.

"All revenues collected under the provisions of this article, except as otherwise provided, shall be paid to the department of revenue by check or draft made payable to the treasurer of Alabama, and shall be distributed in the following manner:

"(1) All Eighty and fifty one-hundredths percent of the revenue derived from the tax levied upon cigarettes by sections 40-25-2 and 40-25-41 shall be deposited in the state treasury and shall be divided as follows:

"a. Six and six one-hundredths percent to the credit of the state public welfare trust fund, which is hereby appropriated for general welfare purposes. In this section, 'general welfare purposes' means:

"1. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

"2. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under section 38-4-1;

"3. Services to and on behalf of dependent, neglected, or delinquent children; and

"4. Investigative and referral services to and on behalf of needy persons.

"b. Nine and nine one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the state treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the state industrial development authority under the provisions of the following acts:

"(i) Acts 1967, No. 231;

"(ii) Acts 1971, No. 1420;

"(iii) Acts 1973, No. 1039;

"(iv) Acts 1975, No. 1217;

"(v) Acts 1978, 2nd Ex. Sess., No. 99;

"(vi) Acts 1981, No. 81-843;

"(vii) Acts 1983, No. 83-295; and

"(viii) Acts 1987, No. 87-550.

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"2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury to be designated the 'general and mental health fund,' and is hereby appropriated and shall be distributed as follows:

"(i) Thirty-six percent of the said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases, incident to general health work;

"(ii) Fifty-eight percent of the said balance shall be paid to the Alabama mental health board to be expended by the said board for such purposes as it may designate for the provision of mental health services; and

"(iii) Six percent of said balance shall be paid to the Alabama mental health board to be expended by said board for such purposes as it may designate for the provision of services to the mentally retarded.

"c. Twelve and twelve one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purpose is hereby appropriated to the purpose of acquiring and constructing mental health facilities in the state, and to that end shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on whichever of the following may be issued:

"(i) Any bonds that may be issued by the Alabama mental health building authority under the provisions of law pursuant to which the said authority may be organized; or

"(ii) Any bonds of the state that may be issued for acquisition and construction of mental health facilities under amendment 266 of the Constitution of Alabama.

"2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury, designated the 'general and mental health fund,' and is hereby appropriated and shall be distributed as follows:

"(i) Thirty percent of said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses, and equipment purchases incident to general health work; and

"(ii) Seventy percent of the said balance shall be paid to the Alabama mental health board created in sections 22-50-4 through 22-50-14, and shall be used by the said board for mental health purposes in the state.

"d. Six and six one-hundredths percent shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purposes is hereby appropriated and shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on all bonds that may be issued by the state parks development authority under the provisions of Acts 1967, No. 272, which provided for the creation of said authority and also provided for the submission of a constitutional amendment to authorize the issuance of general obligation bonds by said authority.

"2. The balance thereafter remaining during each fiscal year shall be deposited into a special fund in the state treasury to be designated the 'state parks fund' and is hereby appropriated and shall be distributed as follows: Said fund may be expended by the state director of conservation at his discretion and with the approval of the governor for salaries, other expenses, land acquisitions, equipment purchases, capital additions or improvements or other lawful expenses relating to the state division of parks, monuments and historical sites.

"e. Thirty-six and thirty-seven one-hundredths percent to the credit of the general fund.

"f. Thirty and thirty one-hundredths percent to the credit of the Alabama special educational trust fund.

"(2) Nineteen and fifty one-hundredths percent of the remaining revenue derived from the tax levied upon cigarettes by sections 40-25-2 and 40-25-41 shall be deposited in the state treasury to the credit of the Alabama forestry commission for distribution as follows:

"(a) Forty percent of the above share shall be distributed to volunteer fire departments certified by the Alabama Forestry Commission, volunteer and/or paid fire districts, and paid municipal departments on an equal basis, share and share alike wherever and whenever such fire department exists in the state of Alabama.

"(b) Forty percent of the above share shall be distributed as follows:

"(1) Each county's share shall be computed as a percent of the state population. The latest federal decennial census shall be utilized in this computation.

"(2) Divide each county's amount by the number of departments and districts as defined in item (a) above, on an equal basis.

"(3) The amount thus derived shall be distributed to each department and district in the respective county.

"(c) Ten percent of the above share shall be utilized to aid in the formation and/or certification of volunteer fire departments not now certified or existing. New volunteer fire departments may be formed in each county with the advice and consent of the county association of volunteer fire departments. If no association exists in a county, the county supervisor of the State Forestry Commission and volunteer fire chiefs of that county shall serve as an association for this purpose. Such decisions regarding new departments shall be made prior to the implementation of this aspect of this act in each county and such action must ultimately insure that all areas in Alabama will be covered by a certified volunteer fire department, fire district or paid municipal fire department. Funds in this item may also be used to meet special needs of certified volunteer fire departments.

"(d) Ten percent of the above share shall be used by the State Forestry Commission for the administration of this program and such other fire protection needs as are authorized in section 9-13-4 of the Code of Alabama 1975. The Forestry Commission is charged to diligently work to bring all areas and/or departments identified in item (c) above to the point that all Alabama is covered by departments as noted in item (a) above.

"The State Forestry Commission shall have authority to promulgate rules and regulations having the force and effect of law pertaining to items

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(a), (b), (c), and (d) above. The state forester of the said State Forestry Commission shall publish such rules and regulations in accordance with the provisions of the Alabama Administrative Procedure Act.

"(2) (3) All of the revenue derived from the tax levied by section 40-25-2 and section 40-25-41 upon tobacco products other than cigarettes shall be deposited in the state treasury to the credit of the Alabama special educational trust fund."

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 7.

Yeas:

Senators:	Bishop	Figures	Menton	
Amari	Campbell	Foshee	Mitchem	
Barron	deGraffenried	Goodwin	Preuitt	
Bedford	Denton	Hale	Rice	
Bedsole	Dial	Holmes	Sanders	
Bennett	Ellis	Manley	Smith (J)	—23

Nays:

Senators:	Cabaniss	Dixon	Hilliard	
Bailey	Corbett	Drinkard	Parsons	—7

Senator Corbett offered the following amendment to the Bill, H. B. 341, as amended, to-wit:

AMENDMENT TO H. B. 341, AS AMENDED

Amend House Bill No. 341, as amended, Page 10, Line 32, by striking out the word "Ten" after the word (d) and insert in lieu thereof the word "Five"

Also on Page 9, Line 34 strike out the word "Forty" after the word (a) and insert in lieu thereof the word "Forty-Five"

On motion of Senator Rice, said amendment was laid on the table.

Yeas 17; Nays 8.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Preuitt	
Barron	Denton	Manley	Rice	
Bedford	Dial	Menton	Smith (J)	
Bedsole	Ellis			—17

Nays:

Senators:	Corbett	Foshee	Langford
Bennett	Figures	Holmes	Parsons
Bishop			

—8

Senator Manley offered the following amendment to the Bill, H. B. 341, as amended, to-wit:

AMENDMENT TO H. B. 341, AS AMENDED

On page 10, immediately following subsection (c) on line 31, add the following additional underlined language:

It is further provided, however, that no funds shall be distributed to any fire district or department of any county unless a specific plan for fire protection is first designed and a map filed with the county commission, and adopted by the county commission, which established fire protection districts or departments for the entire county by either paid or volunteer fire departments. When all areas of the county have full coverage and there is a department to fully cover the county then the 10% apportioned herein shall revert to Section (a) and be distributed under said section thereafter.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Langford
Bailey	Campbell	Foshee	Manley
Barron	Corbett	Goodwin	Mitchem
Bedford	deGraffenried	Hale	Preuitt
Bedsole	Denton	Hilliard	Rice
Bennett	Dial	Holmes	Smith (J)
Bishop	Dixon		

—25

Nays:

—0

Senator Parsons offered the following amendment to the Bill, H. B. 341, as amended, to-wit:

AMENDMENT TO H. B. 341, AS AMENDED

Amend House Bill No. 341, as amended, Page 3, Line 19, by inserting before line 19 a new section 9

Section (9), Cigarettes, papers either gummed or ungummed shall be taxed at the rate of 10¢ per package.

And renumber the following sections to comply with the above amendment.

Which was adopted.

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Yeas 24; Nays 0.

Yeas:

Senators:	Corbett	Figures	Menton
Bailey	Denton	Foshee	Mitchem
Barron	Dial	Goodwin	Parsons
Bedford	Dixon	Hale	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bishop	Ellis	Langford	Smith (J)
Campbell			

—24

Nays: —0

Senator Foshee offered the following amendment to the Bill, H. B. 341, as amended, to-wit:

AMENDMENT TO H. B. 341, AS AMENDED

Amend House Bill No. 341, as amended, Page 10 Line 32, by striking out ten percent after the word (a) and insert in lieu thereof "one million (\$1,000,000.00) Dollars"

Also page 10 line 6 insert a new subsection (b) Any additional revenue above the \$1,000,000.00 administrative costs in Section (2)(d) will revert to Section (2)(a) and renumber subsequent subsections.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem
Bedford	Denton	Goodwin	Parsons
Bedsole	Dial	Holmes	Preuitt
Bennett	Dixon	Langford	Rice
Bishop	Ellis	Manley	Sanders
Campbell	Figures	Menton	Smith (J)
Corbett			

—24

Nays: —0

And said Bill, H. B. 341, as amended by the substitute, as amended, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Bailey	Corbett	Foshee	Mitchem
Barron	deGraffenried	Goodwin	Parsons
Bedford	Denton	Hale	Preuitt
Bedsole	Dial	Hand	Rice
Bennett	Dixon	Holmes	Sanders
Bishop	Drinkard	Langford	Smith (J)
Cabaniss	Ellis	Manley	

—30

Nays: —0

Senator Preuitt moved that the Senate reconsider the vote by which the Bill, H. B. 341, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 59. Relating to the City of Gadsden, in Etowah County, amending Sections 4 and 15 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158) which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for membership of the civil service board of the City of Gadsden and the meetings and minutes of said board.

Also:

H. 668. Relating to Montgomery County; to provide for the compensation for the members of the Board of Registrars and to repeal Act No. 833, S. 789 and Act No. 845, H. 1095, 1978 Regular Session.

Also:

H. 790. Relating to Montgomery County; to amend Section 5(7) of Act No. 356, H. 1066 of the 1973 Regular Session (Acts 1973, p. 492), relating to the Montgomery County Retirement System, so as to provide further for an annual independent audit of the Retirement System and an actuarial evaluation at least once in each five-year period.

Also:

H. 975. To authorize the Lawrence County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 977. Relating to Talladega County; to provide for the establishment of a Civil Service System; to provide for definitions, exempt and classified services; to provide for exemption, merit principle, civil service board and expenses; to provide for rules, classification and pay plans; to provide a register of eligible persons, filling vacancies in classified service; to provide for disciplinary action; to provide for complaints by private citizens; to provide for political activities; to provide for employee organizations; to provide for departmental work rules; to provide for a transitional period; to provide for certain unlawful acts and to provide penalties for violations.

Also:

H. 1019. Relating to Cherokee County; repealing Act No. 1037, S. 929, Regular Session 1973 (Acts 1973, p. 1572), requiring certain identification tags for house trailers.

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Also:

H. 1022. To authorize the Elmore County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 910. Relating to Talladega County; proposing an amendment to the Constitution of Alabama of 1901 to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for construction or financing or refinancing construction of a county jail; and providing for the removal of such fee in certain circumstances and the use of the fee not removed.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 716. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 114. To revise the law on redemption of real estate and provide: definitions; who may redeem and priorities; to extend rights to executors and administrators; to characterize the rights of redemption; demand for statement of debt and lawful charges by person entitled to redeem; payment or tender of purchaser money and other lawful charges, with interest; payment of value of permanent improvements and how the value of improvements is ascertained; provisions for when there is a failure or refusal of a purchaser to recover title; the settlement and adjustment of rights and equities by a circuit court when a complaint is filed.

This act applies only to mortgages foreclosed on or after the effective date of this act which is January 1, 1989. To further repeal Alabama Code Sections 6-5-230 through 6-5-246 as amended.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 874. Relating to Greene County; to amend Act 87-621 (H. 1101) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the terms "motor fuel", and "gasoline" to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

Also:

H. 925. To regulate the registration and identification of certain mobile homes in Elmore County and to prescribe penalties for violation of the provisions of this act.

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Also:

H. 873. Relating to Sumter County; to amend Act 87-619 (H. 1082) of the 1987 Regular Session, which provides for a gasoline and motor fuel tax, so as to define further the terms "motor fuel", and "gasoline" to provide that said tax shall be levied by the county commission, and to grant authority for said levy.

Also:

H. 963. To provide a form of municipal government to be known as the Mayor/Commission/City Manager form of government, which may be adopted by any Class 5 municipality in the State of Alabama; to provide the method by which any such city may adopt the Mayor/Commission/City Manager form of government; to define and provide the legal status, form of government and powers of any such city under the Mayor/Commission/City Manager form of government; to provide as the governing body of such city a city commission; to provide for a Mayor elected at-large and a four (4) member Commission elected from single-member districts, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and Commissioners and for the filling of vacancies in the office of Mayor and Commissioners and to provide the duties and authority of the Mayor and Commissioners; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission and adoption and the effect thereof; to provide for the terms and effects of succession in government of any city adopting the Mayor/Commission/City Manager form of government; to make various other provisions for any such city which adopts the Mayor/Commission/City Manager form of government and for the government thereof; and to provide for the means of abandoning the Mayor/Commission/City Manager form of government and the adoption by the city of other forms of municipal government in lieu thereof.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 854. To amend, alter, rearrange, extend, and confirm the boundary lines and corporate limits of the municipality of The City of Tallassee in Elmore County, Alabama and Tallapoosa County, Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 165. COMMENDING MARSHALL WILLIAMS OF CLAYTON, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

Also:

S. J. R. 166. COMMENDING DR. RANDY QUINN ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

S. J. R. 176. MOURNING THE DEATH OF PHILIP JEFFERSON KYSER OF DEMOPOLIS, ALABAMA.

Also:

S. J. R. 190. REQUESTING THE ALABAMA STATE HIGHWAY DEPARTMENT TO PROVIDE PLANS FOR TIMBER BRIDGES AND RECOMMENDING THAT SUCH BRIDGES, MEETING CERTAIN STANDARDS, BE USED FOR REPLACEMENT BRIDGES ON ALL COUNTY ROADS.

Also:

S. J. R. 191. NAMING THE "WILLIAM H. OSBORN ENGLISH BUILDING" AT SNEAD STATE JUNIOR COLLEGE.

Also:

S. J. R. 202. COMMENDING THE ALABAMA JOURNAL FOR DISTINGUISHED ACHIEVEMENT.

Also:

S. J. R. 201. DESIGNATING APRIL 20, 1988, AS "ERIC DUNN DAY" IN ALABAMA.

Also:

S. J. R. 164. MOURNING THE DEATH OF ALLEN G. THOMAS OF TUSKEGEE, ALABAMA.

Also:

S. J. R. 167. COMMENDING JONATHAN REID CORNELIUS OF THOMASVILLE, ALABAMA.

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Also:

S. J. R. 168. COMMENDING A. W. COMPTON, JR., FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS TO THE CATTLE INDUSTRY.

Also:

S. J. R. 169. COMMENDING DEAN VERNON NATHANIEL HANSFORD OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

Also:

S. J. R. 171. PETITIONING THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF THE LATE COACH PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 172. COMMENDING MRS. BERNICE JOHNSON OF BIRMINGHAM FOR EXTRAORDINARY ACHIEVEMENT.

Also:

S. J. R. 174. COMMENDING ALABAMA STATE UNIVERSITY AND ERSKINE RAMSEY HAWKINS, VERNEL ANTHONY FOURNIER, BENNY POWELL, HAYWOOD HENRY, JOE NEWMAN, HENRY PUGH AND THOMAS W. STEWART.

Also:

S. J. R. 175. CONGRATULATING AUNDRAY BRUCE OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 177. DECLARING THE WEEK OF JUNE 5-11, 1988 ALABAMA POULTRY WEEK.

Also:

S. J. R. 181. COMMENDING CHAMP CHERIAN THOMASKUTTY OF SOMERVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 192. COMMENDING RAYMOND J. BOLAND, BISHOP OF THE DIOCESE OF BIRMINGHAM, ALABAMA, ON HIS EPISCOPAL ORDINATION AND INSTALLATION.

Also:

S. J. R. 194. TO CONTINUE THE JOINT INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

S. J. R. 195. DESIGNATING APRIL 19, 1988, AS "JEANNE DOZIER DAY" IN ALABAMA.

Also:

S. J. R. 197. CONGRATULATING RAYMOND BRYANT JONES, JR., OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 198. MOURNING THE DEATH OF MARY NEWELL WADSWORTH, WIDOW OF THE LATE JACK WADSWORTH OF WADSWORTH BROTHERS FARMS.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 178. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 212. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day of the 1988 Regular Session only:

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Obscenity, distrib. of made unlawful, Secs. 13a-12-150 thru 13a-12-159 and Secs. 13a-12-170 thru 13a-12-179 repealed.

On motion of Senator Bedford, the Resolution was adopted by the Senate.

RULE 35 SUSPENDED

On motion of Senator Manley, Rule 35 was suspended to allow transmittal to the House of the Bill, S. B. 674.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 69. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Also:

S. 121. To amend Sections 41-16-54 and 41-16-55, Code of Alabama, 1975, as amended by changing the figure "2,000.00" wherever same appears to the figure "3,000.00" to conform to Section 41-16-50 Code of Alabama, 1975, as heretofore amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Marietta (With Notice and Proof):

H. 1040. Relating to Mobile County; to authorize the incorporation of public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may be able to develop land as sites for industrial parks in Mobile County which shall be deemed to include the provision of water, sewage, drainage, transportation, and communication facilities and other similar facilities which are incidental to the use of land as an industrial park; to provide for the election and

compensation of directors of any such corporation; to provide for the powers and duties of any such corporation and its board of directors; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this act shall not constitute or create a debt of the county, or of any municipality or political subdivision of the county; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation, including license and excise taxes, levied by the county or any municipality, or political subdivision of the county; and to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all such taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1040, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1040—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

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S. 56. To repeal Section 22-6-5, Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding the eligibility limit.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 204. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. McMillan, Mikell, and Gray:

H. 498. Relating to the department of mental health and mental retardation; to designate the department as a special school district within the state; to provide for a board of education for such mental health and mental retardation school district; to provide that such board shall hire a superintendent of education for the special district with responsibility for administering the education programs of the department of mental health and mental retardation; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for the employees of such special district and their rights, benefits and privileges; to provide for a funding formula and policy for the district; to provide that the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendents as do county boards of education and county superintendents; and to provide that the provision of this Act shall be construed in pari materia with Title 22, Chapters 50 through 53, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 498—to the Committee on State Development and Tourism

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG) (With Notice and Proof):

H. 1047. To alter, rearrange and extend the boundary lines and corporate limits of the City of Sylacauga in Talladega County, Alabama, so as to include within the corporate limits of said city certain additional territory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1047, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bugg, Junkins, and Ford (With Notice and Proof):

H. 1054. Relating to the City of Gadsden in Etowah County; to provide that civil service board members shall receive compensation in the amount of \$50.00 a month.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1047 and 1054—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hall (With Notice and Proof):

H. 978. Relating to Madison County; providing for the establishment of a five- or more-unit road maintenance, repair and construction system; providing for the employment of a county engineer; defining the authority, powers and duties of the county engineer; prescribing certain regulations relating to county vehicles; and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 978, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Reps. Brooks, Freeman, Butler, Grayson, and Hettinger (With Notice and Proof):

H. 1056. Relating to Madison County; providing that the city, town, or county responsible for election costs may provide, at their discretion, additional compensation for election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1056, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 978 and 1056—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (With Notice and Proof):

H. 1037. To authorize the Calhoun County Commission to impose excise taxes on persons, corporations, partnerships, companies, agencies, associations, trusts, estates and other entities engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in Calhoun County not to exceed two cents (\$.02) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Calhoun County Commission to make reasonable rules and regulations for the collection of such taxes, to provide for the enforcement of this act and to fix a penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Calhoun County Commission for the collection of said taxes and to provide for an advisory referendum or election of the qualified electors of Calhoun County as to whether the excise tax should be imposed by the Calhoun County Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1037, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1037—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 173. Relating to the Twenty-third Judicial Circuit; to amend Act No. 86-341, S. 567, 1986 Regular Session, which provides for the retirement of circuit judges, so as to provide further for such retirement and to repeal Act No. 799, S. 619, 1977 Regular Session.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (With Notice and Proof):

H. 1055. Relating to Elmore County; providing further for the procedure for selling and redeeming lands for taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1055, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Haynes (With Notice and Proof):

H. 1057. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1057, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1055 and 1057—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

H. 1038. To levy an additional lodgings tax in Etowah County; to provide for the collection and distribution of net revenues generated by said tax; and to provide that the net proceeds of said tax shall be used exclusively for purposes of promoting tourism and beautification in Etowah County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1038, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1038—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (W) (With Notice and Proof):

H. 1020. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1020, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1020—to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (With Notice and Proof):

H. 811. Relating to Montgomery County; to provide for the appointment of the county administrator and the assistant county administrator and to remove the county administrator and assistant county administrator from the county merit system and repealing Act No. 429, H. 934, 1961 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 811, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 1059. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1059, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 811 and 1059—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (With Notice and Proof):

H. 1041. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1041, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 1046. Relating to Baldwin County; providing for the compensation of the board of equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1046, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1041 and 1046—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drake, Marks, and Dillard (With Notice and Proof):

H. 1028. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1028, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

H. 1036. To amend Act No. 274, H. 990, 1975 Regular Session (Acts of 1975, p. 809), as amended, which provided that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754), which provided a civil service system for the employees of the sheriff's office of Calhoun County, shall apply to certain regular employees of Calhoun County, so as to except certain persons from the application of said act; further to provide that the Civil Service Board of Calhoun County, Alabama shall be authorized

to select and retain legal counsel of its own choice; and further to provide for the annual appropriation for the said board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1036, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1028 and 1036—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Penry and McMillan (With Notice and Proof):

H. 1053. To alter, rearrange and extend the boundaries and corporate limits of the City of Daphne, Alabama, so as to incorporate certain territory as described herein and provide for form of government and operation thereof.

Short Title "Daphne Annexation Act I"

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1053, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Mathis, and Beasley (With Notice and Proof):

H. 1061. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1061, as required in the General Acts of Alabama, 1975, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1053 and 1061—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 1034. To propose an amendment to the Constitution of Alabama of 1901, relating to and authorizing the levy and collection, by the governing body of Lee County, of financial charges or assessments on property within the boundaries of any one or more fire fighting districts in Lee County, the holding of elections within such districts to approve the rate or rates and duration of such financial charges or assessments, providing that such financial charges or assessments need not be assessed in exact proportion to value, and providing for the expenditure of the proceeds from such financial charges of assessments; to fix a date for an election upon such proposed amendment; and to provide for publication of notice thereof prior to such election.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1034—to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Crow, Blakeney, Frazier, Blake, Grouby, and Turner:

H. 683. To exempt the Amaranth Grand Court from the payment of all state, county and municipal sales and use taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 683—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rains, Moon, Slaughter, McKee, Clark (J), Seibels, Payne, Laird, Harvey, Petelos, McClain, Fuller, Coburn, Bugg, Escott, Turnham, Gray, Johnson (RW), Richardson, Hammett, Higginbotham, Turner, White (F), Faulk, Ford, Hogan, Willis, Mikell, Campbell, Knight, Warren, Burke, and Starkey:

H. 483. To prohibit the operation of vessels with children on board unless each child is wearing a United States Coast Guard approved life preserver, and to provide for penalties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 483—to the Committee on Governmental Affairs

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Wright, Blake, Hill, Newman, Knight, Bowling, Walker, Parker, White (L), Hall, Rogers, Butler, Holley, Newton, Layson, Johnson (RW), Faulk, Moon, Freeman, Payne, Williams, Box, Gray, Rains, Britnell, Beasley, Willis, Starkey, Hamilton, Hettinger, Turner, Biddle, Headley, Warren, Carothers, Crow, Hooper, Ford, Goodwin, Higginbotham, Richardson, Johnson (RG), Hammett, Campbell, Cosby, Beers, McClain, Escott, McDowell, Laird, Carter, Lindsey, Burke, Junkins, Perdue, Spratt, Davis, Slaughter, Marks, and Hogan:

H. 387. To exempt The Eye Foundation, Inc., and any of its branches and agencies from all state, county or municipal sales or use taxes.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 387—to the Committee on Finance and Taxation

BUDGET ISOLATION RESOLUTION

Senator Parsons requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Parsons, B. I. R., H. B. 334, adopted.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Parsons
Amari	Cabaniss	Figures	Preuitt
Bailey	Campbell	Foshee	Rice
Barron	Denton	Goodwin	Sanders
Bedford	Dial	Hale	Smith (B)
Bedsole	Dixon	Hilliard	Smith (J)
Bennett	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 334. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

was taken up.

On motion of Senator Horn, further consideration of the Bill, H. B. 334, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 199, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 199

**A BILL
TO BE ENTITLED
AN ACT**

To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to define certain terms relating to

utilities or utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this Act, the following terms shall have the meanings respectively ascribed to them herein, except where the context clearly indicates a different meaning:

(a) "Utility" means any public or private utility, any telephone company or telephone business and any utility or other entity which is owned or operated by a municipality, electric power board, gas board, utilities board, county improvement authority, power district or other governmental entity which is engaged in providing electricity, natural gas, water, sewer, garbage, telecommunication, or satellite services, or any combination thereof for sale to consumers.

(b) "Utility services" means the products, commodities and services provided by a utility to its customers.

Section 2. Any person who knowingly:

(a) (i) Connects any tube, pipe, wire or other instrument with any meter, device or other instrument used for conducting utility services in such a manner as to permit the use of said utility services without the same passing through a meter or other instrument recording the usage for billing;

(ii) Alters, injures, turns on or prevents the action of a meter, valve, stopcock or other instrument used for measuring quantities of utility services;

(iii) Breaks, defaces or causes to be broken or defaced any seal, locking device or other parts that make up a metering device for recording usage of utility services or a security system for said recording device;

(iv) Removes a metering device for measuring quantities of utility services;

(v) Transfers from one location to another a metering device for measuring usage of utility services;

(vi) Uses a metering device belonging to the utility that has not been assigned to said location and installed by the utility;

(vii) Adjusts the indicated consumption, jams the measuring device, bypasses the meter or measuring device with a jumper so that it does not indicate use or registers incorrectly or otherwise obtains quantities of utility services from the utility without same passing through a metering device for measuring quantities of consumption for billing;

(viii) Fabricates or uses a device to pick or otherwise tamper with the locks used to deter current diversion, meter tampering and meter thefts;

(ix) Otherwise takes any action resulting in the diversion or unauthorized use of utility services; shall be liable civilly for damages resulting from such violations.

(b) The damages shall be three (3) times the estimated loss of revenue, plus the cost of the repair or replacement of equipment necessitated by violation of this Act and all other costs and expenses, including a reasonable attorney's fee, incurred by the utility resulting from a violation of this Act and incurred in collecting the damages provided for by this Act.

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(c) Conviction under Section 13A-8-10, Code of Alabama of 1975, as amended or under any other criminal statute punishing theft of utility services or tampering with utility meters or facilities or diversion of utility services shall conclusively establish the liability of the person convicted for the damages provided under this section.

(d) In determining estimated lost revenue for the purposes of this section, if data is not available from which the lost revenue can be computed the court shall estimate such loss based on usage at the premises involved, or at comparable other premises, during a similar time period prior to or coincident with the period during which utility services were unlawfully made available.

Section 3. For purposes of this Act and for purposes of Sections 40-8-1, 40-21-50 and 40-21-58, Code of Alabama 1975, as amended, the terms "utilities" and "public utility," as applied to telecommunications, "telephone company," and "telephone business" mean the provisioning of local exchange services.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Manley
Amari	Campbell	Goodwin	Parsons
Bailey	deGraffenried	Hilliard	Preuitt
Bedford	Dial	Holmes	Rice
Bedsole	Drinkard	Horn	Smith (J)
Bennett			

—20

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Senate concurred in and adopted the following House amendment to the Bill, S. B. 329, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 329

On page 3, after lines 18 and 28, insert the following language:

"In the event of discrepancies between the original application and the summary, the contents of the original application shall govern. When a summary of the application is attached to the policy, the insurer shall keep and maintain the original application for insurance or a copy thereof for a period of not less than three (3) years from the date on which the policy was issued.

Yeas 19; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Bailey	deGraffenried	Foshee	Mitchem	
Barron	Denton	Goodwin	Preuitt	
Bennett	Dial	Holmes	Rice	
Cabaniss	Drinkard	Langford	Smith (J)	—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 14. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial proceedings for persons defective in speech and/or hearing, so as to provide further for such interpreters.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, further consideration of the House amendment to the Bill, S. B. 14, was postponed subject to the call of the Chair, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 14

Amend Senate Bill 14, in the Title on Page 1, Line 19, after the words "for judicial" by adding the following:

and administrative

Further, Amend S. B. 14, in the Title on Page 1, Line 19, after the words "judicial and administrative proceedings for" by adding the following:

deaf

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Also, further amend Senate Bill, in the Title, Page 1, Line 21, after the words "such interpreters" add the following:

and to provide for payment for such services by the courts in certain cases

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 355, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 355

On page 1, line 28, insert a new Section 3 as follows and renumber subsequent sections accordingly:

"Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons
Amari	Cabaniss	Hilliard	Preuitt
Bailey	Campbell	Holmes	Rice
Barron	Corbett	Langford	Sanders
Bedford	Dixon	Menton	Smith (B)
Bedsole	Goodwin	Mitchem	Smith (J)
Bennett	Hale		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Parker, and Moon:

H. J. R. 449. URGING STATE AGENCIES PROVIDING CHILD DAY CARE SERVICES TO ESTABLISH THAT THEIR CHILD DAY CARE PROGRAMS MEET OR EXCEED THE STATE'S MINIMUM STANDARDS.

WHEREAS, certain initial efforts should be made by state agencies to address the changing and expanding nature of child day care delivery systems in this state; and

WHEREAS, all children served by the child day care providers in this state deserve equal protection and treatment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge all state agencies providing child day care services to establish a plan which assures that their respective child day care programs meet or exceed Alabama Minimum Standards, which plan should be submitted to the Governor's Child Day Care Resource Coordinator no later than January 1, 1989.

FURTHER RESOLVED, That we hereby request any state agency providing child day care services in programs under their jurisdiction to file an annual report with the Department of Human Resources to certify that these child day care programs meet or exceed Alabama Minimum Standards, and to provide such data as the Department requests in order to compile comprehensive statistics on child day care in Alabama.

RESOLVED FURTHER, That copies of this resolution be sent to the Commissioner of the Department of Human Resources, the Governor's Child Day Care Resource Coordinator, Superintendent of the State Department of Education and the Commissioner of the State Department of Mental Health and Mental Retardation so that they may take the appropriate executive actions to accomplish the requirements of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 449, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Parker, and Moon:

H. J. R. 448. REQUESTING THAT ADO/ADECA STAFF DESIGNEES WORK WITH THE CHILD DAY CARE COORDINATOR (DHR), THE STATE FINANCE DEPARTMENT, THE STATE TREASURER'S OFFICE, THE OFFICE OF MINORITY BUSINESS AND THE SOUTHERN DEVELOPMENT COUNCIL TO IMPLEMENT LOW-INTEREST LOAN PROGRAMS FOR THE START-UP, EXPANSION AND IMPROVEMENT OF CHILD DAY CARE FACILITIES.

WHEREAS, availability of quality child day care is a problem for many working families; and

WHEREAS, no significant growth in number of licensed day care centers in Alabama has occurred since 1977, even though statistics show that nationally such centers have increased by 72%; and

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WHEREAS, the expansion of child day care facilities in this state would be greatly facilitated by the availability of low-interest loan programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that ADO/ADECA staff designees work with the Child Day Care Coordinator (DHR), the State Finance Department, the State Treasurer's Office, the Office of Minority Business and the Southern Development Council to implement low-interest loan programs for start-up, expansion and improvement of day care facilities.

RESOLVED FURTHER, That a written report concerning implementation of such programs be submitted to the Task Force on Child Day Care no later than January 1, 1989.

FURTHER RESOLVED, That a copy of this resolution be sent to each person and agency herein requested to participate in implementation of this resolution.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 448, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Parker, and Moon:

H. J. R. 447. URGING THE DEPARTMENT OF HUMAN RESOURCES TO INITIATE CERTAIN POLICIES AND ACTIONS REGARDING THE CHILD DAY CARE INDUSTRY.

WHEREAS, the Department of Human Resources is the primary licensing and service state agency for the child day care industry in Alabama; and

WHEREAS, the Joint Governor's-Legislative Task Force on Child Day Care has made specific recommendations for 1988 based on extensive study and meetings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Department to initiate the following actions and policies and plans:

(a) Establish a position of Child Day Care Coordinator within the Department in order to facilitate the implementation of the 1987 and 1988 Task Force recommendations; to develop a comprehensive plan for Alabama's child day care and facilitate the implementation thereof;

(b) Employ ten (10) additional child day care licensing personnel in order to better enforce the Child Care Act of 1971;

(c) Strengthen the state subsidized child day care programs by:

(1) Implementing a child day care component in Alabama's welfare reform program;

(2) Increasing by 2000 the number of children served through the state subsidized program; and

(3) Increasing monthly payments to day care homes and center providers participating in the state subsidized program;

(d) Develop and implement policies to enhance quality in child day care through the following means:

(1) Require personnel employed after June 1, 1988, who directly license child day care centers to have at least a bachelor's degree in child development or early childhood education;

(2) Require all personnel who license child day care to receive annually a minimum of twenty (20) clock hours of training that includes the philosophical basis of licensing, the licensing process, uniform interpretation and enforcement of licensing standards, communication skills, as well as instruction in applied child development and early childhood education;

(3) Develop a "system" to be used by licensing personnel as a basis for consistent program evaluation; and

(4) Develop disciplinary guidelines for programs which are in noncompliance with the state Minimum Standards;

(e) Review and revise policies related to center and home provider participation in the state subsidized child day care program, with the objective and intent of broadening options for child placements;

(f) Establish a child day care data collection procedure; and

(g) Continue to establish and utilize the County Coordinating Councils as a child day care information gathering and disseminating network.

RESOLVED FURTHER, That we encourage and support the efforts of the Department in the adoption of the initiatives herein stated, and that a copy of this resolution be sent to the commissioner of the Department of Human Resources.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 447, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Parker, and Moon:

H. J. R. 445. REQUESTING THE ALABAMA COLLEGE SYSTEM, THE ALABAMA COMMISSION ON HIGHER EDUCATION AND THE

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DEPARTMENT OF EDUCATION (SECONDARY EDUCATION) TO DEVELOP AND COORDINATE AN ACCESSIBLE AND AFFORDABLE TRAINING PROGRAM FOR THE CHILD DAY CARE COMMUNITY, BUILDING UPON THE PLAN PROPOSED BY THE ALABAMA COLLEGE SYSTEM.

WHEREAS, a trained staff is one of the most important indicators of quality in child day care; and

WHEREAS, there exists a need for an accessible and affordable training program for the staff of child day care centers/homes in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request The Alabama College System, the Alabama Commission on Higher Education and the Department of Education (Secondary Education) to develop and coordinate an accessible and affordable training program for the child day care community, building upon the plan proposed by the Alabama College System.

FURTHER RESOLVED, That this training program include a provider-input component and a funding request that reflects the coordination and utilization of all available resources and funding options.

RESOLVED FURTHER, That copies of this resolution be sent to the Chancellor of The Alabama College System, the Director of the Alabama Commission on Higher Education, the Superintendent of the State Department of Education and the Head of Secondary Education, State Department of Education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 445, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Parker, and Moon:

H. J. R. 446. URGING THE ATTORNEY GENERAL, THE DISTRICT ATTORNEYS, AND THE ALABAMA COUNCIL OF CHILD DAY CARE REGULATORS TO CONTINUE GIVING PRIORITY TO THE ENFORCEMENT OF THE CHILD CARE ACT OF 1971 (SECTIONS 38-7-1 THROUGH 38-7-17, CODE OF ALABAMA 1975).

WHEREAS, the enforcement of the Child Care Act of 1971 is the only mechanism to protect the health and safety of children in child day care and to provide parents consumer protection; and

WHEREAS, the district attorneys of this state and the attorney general of this state are specifically charged by the 1971 Child Care Act (Sections 38-7-1 through 38-7-17, Code of Alabama 1975), hereinafter referred to as simply the "1971 Act," with the enforcement of said act; and

WHEREAS, we feel the Alabama Council of Child Day Care Regulators also should give priority to enforcing the 1971 Act; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the state attorney general, the various district attorneys, and the council of child day care regulators to continue to give priority status to the enforcement of the 1971 Act. We further support and encourage these agencies in their efforts.

RESOLVED FURTHER, that a copy of this resolution be sent to the attorney general, each district attorney of this state, and to the Alabama Council of Child Day Care Regulators.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 446, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

H. J. R. 441. COMMENDING THE CEDAR PARK/EDGEWOOD ODYSSEY OF THE MIND TEAM.

Also:

By Rep. Cosby:

H. J. R. 442. COMMENDING THE BYRD SCHOOL ODYSSEY OF THE MIND TEAM.

Also:

By Rep. Cosby:

H. J. R. 443. COMMENDING SAMUEL MICKLUS, FOUNDER OF ODYSSEY OF THE MIND.

Also:

By Rep. Cosby:

H. J. R. 444. COMMENDING DEAN STAN FRASIER OF WALLACE STATE COMMUNITY COLLEGE, SELMA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 441, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

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On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 442, 443, and 444, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Freeman, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 438. COMMENDING THE SCIENCE, TECHNOLOGY AND ENERGY DIVISION OF THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS.

Also:

By Rep. Cosby:

H. J. R. 439. COMMENDING PAT SWIFT BLALOCK FOR DISTINGUISHED SERVICE TO THE SELMA PUBLIC LIBRARY AND THE COMMUNITY.

Also:

By Rep. Cosby:

H. J. R. 440. COMMENDING THE MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 438, 439, and 440, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Breedlove and Blakeney:

H. J. R. 460. CONGRATULATING THE CLARKE COUNTY HIGH SCHOOL QUIZ BOWL TEAM UPON WINNING THE 1988 ALABAMA STATE QUIZ BOWL CHAMPIONSHIP.

Also:

By Reps. McMillan and Penry:

H. J. R. 452. COMMENDING MR. AND MRS. CLARENCE W. DURYEA, JR., OF BAY MINETTE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 460 and 452, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (L), Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright, and Zoghby:

H. J. R. 468. COMMENDING WILLIAM BYRON CAUSEY OF ALEXANDER CITY, ALABAMA.

Also:

By Reps. Hettinger, Freeman, Hall, Brooks, Butler, and Grayson:

H. J. R. 470. HONORING THE LATE DREW PEARSON.

Also:

By Reps. White (G), Beers, and Slaughter:

H. J. R. 473. DESIGNATING JUNE 5-11, 1988, AS SAFE BOATING WEEK IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolutions, H. J. R.'s 468, 470, and 473, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 465. COMMENDING SENATOR HENRY (HANK) SANDERS OF SELMA, ALABAMA, STATE PRESIDENT OF THE ALABAMA NEW SOUTH COALITION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Rice, the Rules were suspended and the Resolution, H. J. R. 465, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holly:

H. J. R. 477. ESTABLISHING A COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE LEGISLATURE OF ALABAMA ON ISSUES INVOLVING SOLID WASTE MANAGEMENT.

WHEREAS, there is a growing crisis in the management of solid waste caused by the lack of landfill capacity on a national level, as well as at the state and local level, which may cause the unrestricted and unmonitored transportation and dumping of out-of-state garbage in Alabama from points of origin as far away as New York;

WHEREAS, recent studies have shown that there is a critical shortage of safe and sanitary landfill capacity in the State of Alabama which, if not solved, will adversely affect the economic growth and development of the State of Alabama and the health and safety of its citizens;

WHEREAS, waste reduction and waste recycling reduce the overall burden on, and risk to, the environment as well as improved industrial efficiency, growth and competitiveness;

WHEREAS, it is the responsibility of the Legislature of Alabama to ensure the health and safety of the citizens of the State of Alabama and to provide for economic growth through a safe and careful environmental program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select Commission to study and make recommendations to the Legislature of Alabama on issues involving solid waste management, recycling and waste reduction, and other environmental issues relating to solid waste management.

BE IT FURTHER RESOLVED, That said Commission is to be composed of 24 members as follows:

(1) The Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, and the State Health Officer, or their respective delegates, shall be members of the Commission; provided that if the Lieutenant Governor or the Speaker of the House of Representatives choose to appoint a delegate to serve as a member, the delegate so appointed shall be a member of the house of the Legislature over which the appointing officer presides.

(2) The Chairman of the Health Committee of the Senate and the Chairman of the Health Committee of the House of Representatives shall each be members of the Commission.

(3) The persons holding the following university positions shall be members of the Commission:

(i) Director of Environmental Institute for Waste Management Studies at the University of Alabama;

(ii) Dean of the School of Public Health of the University of Alabama at Birmingham;

(iii) Director of the Water Resources Research Institute of Auburn University;

(iv) Director of the Alabama Cooperative Extension Service of Auburn University;

(v) Director of the Center for Environmental Research and Service of Troy State University.

(4) Each of the following organizations shall appoint one member of the Commission:

(i) Alabama statewide affiliate of the Sierra Club;

(ii) Alabama Conservancy;

(iii) Alabama Wildlife Federation;

(iv) Alabama statewide affiliate of the League of Women Voters;

(v) Association of County Commissions of Alabama;

(vi) Alabama League of Municipalities;

(vii) Alabama Forestry Association;

(viii) Alabama Wholesale Beer and Wine Association;

(ix) Alabama Retail Association.

(5) Three members of the Commission shall be officers or employees of companies which are members of the Business Council of Alabama, and one of such members shall be appointed by the Lieutenant Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the Attorney General.

BE IT FURTHER RESOLVED, That said Commission is directed, after thoughtful research and study, to submit its findings, conclusions and

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recommendations to the Legislature of Alabama no later than the commencement of the next regular session of the Legislature.

BE FURTHER RESOLVED, That the Attorney General of the State of Alabama is directed to provide such clerical and legal assistance as may be necessary for said Commission's work.

BE IT FURTHER RESOLVED, That said Commission, by majority vote, shall elect a permanent chairman and such other officers and shall adopt such bylaws as the members of said Commission shall deem necessary and appropriate; provided that the Attorney General shall serve as the temporary chairman for the purpose of calling the first meeting of said Commission and setting the agenda thereof.

BE IT FURTHER RESOLVED, That the Alabama Department of Environmental Management is directed to provide such technical and engineering assistance as may be necessary for the Commission's work.

BE IT FURTHER RESOLVED, That each legislative member of said Commission shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day of attendance at meetings of said Commission which shall be paid out of funds appropriated to the use of the Legislature; provided that all such compensation and per diem and travel expenses shall not exceed the aggregate amount of \$2,000.00

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 477, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim, Turner, Zoghby, Box, Marietta, Gaston, Clark (W), Kennedy, Penry, McMillan, Harper, White (F), Buskey (JE), and Breedlove:

H. J. R. 475. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY.

Also:

By Rep. Parker:

H. J. R. 479. COMMENDING THE HARTSELLE LADY TIGERS BASKETBALL TEAM ON ITS 1987-1988 CHAMPIONSHIP SEASON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 475, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 479, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

Senator Bedford requested unanimous consent to suspend the Rules in order to bring up the Bill:

S. 165. To prescribe the minimum pay scale of full-time municipal law enforcement officers with arrest powers in Class 1 through Class 7 municipalities; to provide for the repeal of conflicting laws; and to provide an effective date.

Upon objection, unanimous consent was denied.

Senator Bedford requested that the names of those objecting be spread upon the Journal: Senators Hand, Cabaniss, Manley, and Dial.

FURTHER CONSIDERATION OF S. B. 14

The Senate proceeded to further consideration of the Bill, S. B. 14. The question was on the House amendment to the Bill.

And on motion of Senator Menton, said amendment was concurred in and adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Langford	
Bailey	deGraffenried	Goodwin	Manley	
Bedford	Denton	Hale	Menton	
Bedsole	Dial	Hand	Mitchem	
Cabaniss	Dixon	Hilliard	Preuitt	
Campbell	Ellis	Horn	Rice	—23

Nays: —0

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 559, without the Governor's signature and approval, but with the following veto message.

Done this 26th day of April, 1988.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 559 without my signature and approval.

After receiving this bill relating to a proposed increase in ad valorem taxes in Mobile County for public school purposes and a special election of the voters in the Mobile School Tax District, I find that it was a companion bill to House Bill No. 891, which is a bill that passed in this legislative session and has been signed by me (Act No. 88-305).

The sponsor of this bill has been contacted by my office, and I understand that he has no objections to the veto of Senate Bill No. 559.

For the foregoing reasons, I hereby veto Senate Bill No. 559. I encourage you to join me in this decision.

Done this 26th day of April, 1988.

Respectfully,
GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Senator Figures, the Senate sustained the veto of His Excellency, the Governor, to the Bill:

S. 559. To authorize the governing body of Mobile County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Mobile County, on all taxable property situated within the special school tax district subject to the jurisdiction and control of the Board of School Commissioners of Mobile County, the special ad valorem tax for public school purposes which is authorized in Section 2 of Amendment No. 3 to the Constitution, to a maximum rate, for any tax year of the County, which is equal to \$1.35 on each one hundred dollars (13.5 mills on each dollar) of assessed value.

by a vote of

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Drinkard	Langford
Amari	Corbett	Figures	Menton
Bailey	Covington	Goodwin	Parsons
Barron	deGraffenried	Hand	Preuitt
Bedsole	Denton	Holmes	Rice
Bishop	Dial	Horn	Sanders
Cabaniss	Dixon		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

BUDGET ISOLATION RESOLUTION

Senator Drinkard requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Bennett, B. I. R., S. B. 616, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Preuitt	
Bedsole	Dixon	Hilliard	Smith (J)	
Bennett	Ellis	Langford		—22

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 616. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Manley	
Amari	Corbett	Figures	Menton	
Bailey	Denton	Goodwin	Mitchem	
Bedford	Dial	Hand	Preuitt	
Bedsole	Dixon	Hilliard	Rice	
Bennett	Drinkard	Langford	Smith (J)	
Cabaniss				—24

Nays: —0

On motion of Senator Bennett, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 616.

BUDGET ISOLATION RESOLUTION

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Goodwin, B. I. R., S. B. 29, adopted.

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Yeas 19; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Manley	
Bailey	Dixon	Hand	Menton	
Bedford	Drinkard	Hilliard	Mitchem	
Campbell	Ellis	Horn	Preuitt	
Denton	Figures	Langford	Rice	—19

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 29. To amend Section 41-16-21.2, Code of Alabama 1975, which exempts certain state agencies whose principal business is honorariums from the competitive bid law, so as to provide further for such exemption.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Menton	
Amari	Dial	Hale	Mitchem	
Bailey	Drinkard	Hand	Preuitt	
Bedford	Ellis	Hilliard	Rice	
Campbell	Figures	Manley	Smith (J)	
Corbett				—20

Nays: —0

On motion of Senator Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill, S. B. 29.

Senator Drinkard requested unanimous consent to suspend the Rules in order to bring up the Bill:

S. 511. To amend Section 12-14-14, Code of Alabama 1975, which provides for court costs in municipal courts, so as to increase said costs and provide for the distribution of the proceeds from the increased costs.

Upon objection, unanimous consent was denied.

Senator Bedford requested that the name of the Senator objecting be spread upon the Journal: Senator Manley.

MOTION TO RECESS LOST

At 11:17 P.M., Senator Manley moved that the Senate take a recess subject to the call of the Chair, which motion was lost.

Yeas 9; Nays 16.

Yeas:

Senators:	Hand	Manley	Preuitt	
deGraffenried	Hilliard	Menton	Rice	
Ellis	Horn			—9

Nays:

Senators:	Bennett	Denton	Hale
Amari	Cabaniss	Dixon	Holmes
Bailey	Campbell	Drinkard	Langford
Bedford	Corbett	Figures	Mitchem
Bedsole			

—16

BUDGET ISOLATION RESOLUTION

Senator Bailey moved that the B. I. R., H. B. 418, be adopted.

POINT OF PERSONAL PRIVILEGE

Senator Barron stated that had he been present when the Bill, H. B. 516, was passed, he would have voted "Aye."

FURTHER CONSIDERATION OF B. I. R., H. B. 418

The Senate proceeded to further consideration of the B. I. R., H. B. 418.

On motion of Senator Hilliard, further consideration of the B. I. R. and the Bill, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Harper and Turnham:

H. 135. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 135—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Campbell, Johnson (RW), Clark (J), Harper, Hammett, Carter, Higginbotham, Fuller, and Slaughter:

H. 674. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to make certain legislative findings; to create an Alabama Commission on Quality Education, and to specify the method of appointment, to monitor, provide assistance

and make recommendations to the Governor and the Legislature with respect to the implementation of this act and education in general; to create for each city and county board of education in the state a Public School Improvement Committee, the members of which shall be appointed by the Alabama Commission on Quality Education with the assistance of each city or county board of education, to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level; to require the Director of Finance and the Department of Examiners of Public Accounts, upon request from the Commission, to conduct a financial audit of any board of education; to require the Department of Education, upon request from the Commission, to conduct an instructional audit of any board of education and any public school; to permit the Commission to examine the overall organizational structure, staff assignments and day-to-day functions of the Department of Education; to repeal Chapter 6 of Title 16 of the Code of Alabama 1975, which created the Alabama Education Study Commission; to establish an accreditation system for all city and county boards of education and all public elementary and secondary schools in the state, to supplement the existing accreditation system established by the State Board of Education, which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, to provide for the intervention by the State Superintendent of Education in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance standards; to provide for the adoption by the State Board of Education of additional program approval standards applicable to all teacher education programs in the state; to amend Chapter 23 and Chapter 3 of Title 16 of the Code of Alabama 1975, to provide for the issuance of the extraordinary teaching certificates under certain circumstances; to repeal Section 16-6A-10 of the Code of Alabama 1975, which provided for the employment of provisionally certified teachers in critical needs areas; to provide for the evaluation of teachers, supervisors, and principals; to repeal Chapter 24A of Title 16 of the Code of Alabama 1975, which established the performance-based career incentive program; to provide for the adoption by the State Board of Education of a comprehensive plan, utilizing the results of pilot programs for in-service and professional development of teachers in the state; to provide for the design, implementation and monitoring by the State Board of Education of a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education, in cooperation with public institutions of higher education in the state and leaders in high technology business and industry, of a long-range plan utilizing the results of a pilot program, for the utilization of advanced technology teaching aides in the public elementary and secondary schools in the state; to provide for the assessment of the instructional leadership qualities and the management capabilities of persons being considered for initial appointment as elementary or secondary school principals in the state; to provide for the development and implementation by the State Board of Education of a statewide plan, utilizing the results of a pilot program, for providing educational and related services for students in the public schools who are at risk of school failure and to require city and county boards of education to adopt policies to ensure a safe school environment; to require the State Board of Education to develop alternative educational programs for students with problems which cannot be met in the regular school program; to require the State Board of

Education to identify specific standards for promotion and minimum acceptable levels of performance; to require the development and implementation of basic skills proficiency examination by the State Board of Education; to require the State Board of Education to raise the minimum required passing score on the Alabama High School Graduation Exam; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to provide for the adoption of a complete, valid and reliable student assessment program by the State Board of Education; to amend Section 16-13-50 of the Code of Alabama 1975, to provide that appropriations for vocational and special education shall not become a part of the minimum program fund for education, but shall be distributed on the basis of a formula related to the cost of those vocational and special education programs; to amend Section 16-13-51 of the Code of Alabama 1975, to provide for the inclusion of maintenance and instructional materials in the calculation of the cost of the minimum program; and to amend Section 16-13-140 of the Code of Alabama 1975, to extend, from October 1 to October 31 of each year, the date by which each city and county board of education is required to submit its budget to the State Superintendent of Education.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 674—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 236. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 236—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 237. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 237—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 238. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 238—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Reed and Harper:

H. 244. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 244—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hogan:

H. 245. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 245—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. White (L), Harper, and Turnham:

H. 253. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 253—to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

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H. 516. To amend §§16-25-14(a), 16-25-15(b), 36-27-16(a), 36-27-16(c) and 36-27B-3, Code of Alabama 1975 as amended, so as to provide service retirement upon completion of twenty-five years of creditable service for members of the Teachers' and Employees' Retirement Systems of Alabama, provided that any employee whose employer participates in the Employees' Retirement System pursuant to §36-27-6, Code of Alabama 1975, shall only be entitled to such benefits if his employer shall elect to come under the provisions of this act and to fund the additional cost of such benefits; to further amend such sections to clarify and conform the preretirement death benefit to the new requirements for service retirement and to provide an election to receive the preretirement death benefit in lieu of a survivor allowance, at the option of the surviving beneficiary; to provide that the provisions of this act relating to service retirement upon completion of twenty-five years of creditable service shall become effective only upon certification of the Systems' actuary that the provisions can be implemented without increasing the state's employer cost rate; to provide further for the deletion of mandatory retirement provisions in the teachers' and employees' retirement system laws to conform with federal anti-discrimination requirements.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Senator Hale, consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 165	S. J. R. 167	S. J. R. 181
S. J. R. 166	S. J. R. 168	S. J. R. 192
S. J. R. 176	S. J. R. 169	S. J. R. 194
S. J. R. 190	S. J. R. 171	S. J. R. 195
S. J. R. 191	S. J. R. 172	S. J. R. 197
S. J. R. 202	S. J. R. 174	S. J. R. 198

S. J. R. 201

S. J. R. 175

S. J. R. 178

S. J. R. 164

S. J. R. 177

Delivered to the Governor April 26, 1988, at 10:50 P.M.

McDOWELL LEE,
Secretary of Senate.**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:50 P.M., on motion of Senator deGraffenried, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, April 28, 1988, at 10 o'clock A.M.

TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, APRIL 28, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend John Claypool, Rector, St. Luke's Episcopal Church, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Russell Gilbert, Bay Minette Middle School, Bay Minette, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Goodwin	Menton
Amari	Corbett	Hale	Mitchem
Bailey	deGraffenried	Hand	Parsons
Barron	Denton	Hilliard	Preuitt
Bedford	Dial	Holmes	Rice
Bedsole	Drinkard	Horn	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Cabaniss	Foshee		

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.

COMMITTEE REPORT

On motion of Senator Drinkard, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Covington and Dixon for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Venable, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby:

H. J. R. 483. MOURNING THE DEATH OF JOHN B. JOHNSON OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 483, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senators deGraffenried and Bishop offered the following Senate Resolution, to-wit:

S. R. 213. COMMENDING THE UNIVERSITY OF ALABAMA WOMEN'S GYMNASTICS TEAM ON THE 1988 NCAA NATIONAL CHAMPIONSHIP.

Which was adopted.

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 214. COMMENDING FRANCES JACKSON LEWIS OF MOBILE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which was filed.

Senator Langford offered the following Senate Joint Resolution, to-wit:

S. J. R. 215. COMMENDING ALICIA COLE OF WETUMPKA HIGH SCHOOL FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Alabama Legislature notes the numerous and notable accomplishments of Alicia Cole of Wetumpka High School; and

WHEREAS, Alicia Cole, a 16-year-old sophomore who aspires to become an attorney, has been selected as a participant in the "Initiative for Understanding Program," a joint effort of President Reagan and General Secretary Gorbachev to foster better understanding between the United States and the Soviet Union; and

WHEREAS, Miss Cole, a young lady of exceptional academic achievement and school leadership, will leave July 11, 1988, for a three-week visit to the Soviet Union, during which time she will serve as a student ambassador, representing her country and the State of Alabama; and

WHEREAS, we further note that efforts are now under way to raise the necessary funds for Miss Cole's trip and anticipate that the remaining \$1600 of the \$2600 in expenses will soon be forthcoming as a result of joint efforts on the part of her fellow students and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Alicia Cole of Wetumpka, Alabama, as the United States' student ambassador to the Soviet Union, and do further direct that she receive a copy of this resolution that she and her family may know of our sincere pride in her accomplishment.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Langford then offered the following Senate Resolution, to-wit:

S. R. 216. COMMENDING ALICIA COLE OF WETUMPKA HIGH SCHOOL FOR EXTRAORDINARY ACHIEVEMENT.

Which was filed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 14. To amend Section 12-21-131, Code of Alabama 1975, which relates to interpreters for judicial and administrative proceedings for deaf persons defective in speech and/or hearing, so as to provide further for such interpreters and to provide for payment for such services by the courts in certain cases.

Also:

S. 56. To repeal Section 22-6-5, Code of Alabama 1975, relating to the retention of eligibility for benefits by Medicaid patients who are in a nursing home and whose incomes increase to amounts exceeding the eligibility limit.

Also:

S. 69. To propose and provide for the submission of an amendment to the Constitution of 1901, as amended; providing that no law whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next

following the passage of such law unless such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby, or such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures; providing for an election thereon; and prescribing an effective date for the proposed amendment.

Also:

S. 121. To amend Sections 41-16-54 and 41-16-55, Code of Alabama, 1975, as amended by changing the figure "2,000.00" wherever same appears to the figure "3,000.00" to conform to Section 41-16-50 Code of Alabama, 1975, as heretofore amended.

Also:

S. 173. Relating to the Twenty-third Judicial Circuit; to amend Act No. 86-341, S. 567, 1986 Regular Session, which provides for the retirement of circuit judges, so as to provide further for such retirement and to repeal Act No. 799, S. 619, 1977 Regular Session.

Also:

S. 199. To provide that a utility may recover damages from any person who knowingly interferes with any meter or other recording device belonging to a utility, who knowingly diverts utility services or who intentionally and without authority uses utility services; to define certain terms relating to utilities or utility services; to provide for the measure of damages which may be recovered by the utility in any such civil action.

Also:

S. 204. To exempt the Eye Foundation, Inc., and any of its branches and agencies from all state, county, or municipal sales or use taxes.

Also:

S. 274. To further amend Section 26-16-31, Code of Alabama 1975, as amended, relating to state income tax refund designation for the children's trust fund, so as to increase the allowable contribution, and to allow the state child abuse and neglect prevention board to make adjustments thereto from time to time.

Also:

S. 329. To amend Sections 27-14-6, 27-15-5 and 27-15-19, Code of Alabama, 1975, the Alabama Insurance Code, to provide that a summary of an application may be attached to a life or disability insurance policy or an annuity contract and when a summary of the application is so attached the policy and summary shall constitute the entire contract between the parties.

Also:

S. 355. Relating to Montgomery County; providing further for the compensation of the judge of probate; providing for an adjustment in said compensation; providing payment out of county funds.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORTS OF COMMITTEES

Senator deGraffenried, Chairperson of the Standing Committee on State Development and Tourism, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. McMillan, Mikell, and Gray:

H. 498. Relating to the department of mental health and mental retardation; to designate the department as a special school district within the state; to provide for a board of education for such mental health and mental retardation school district; to provide that such board shall hire a superintendent of education for the special district with responsibility for administering the education programs of the department of mental health and mental retardation; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for the employees of such special district and their rights, benefits and privileges; to provide for a funding formula and policy for the district; to provide that the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendents as do county boards of education and county superintendents; and to provide that the provision of this Act shall be construed in pari materia with Title 22, Chapters 50 through 53, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. McMillan and Penry (With Notice and Proof):

H. 1046. Relating to Baldwin County; providing for the compensation of the board of equalization.

By Rep. Johnson (RG) (With Notice and Proof):

H. 1047. To alter, rearrange and extend the boundary lines and corporate limits of the City of Sylacauga in Talladega County, Alabama, so as to include within the corporate limits of said city certain additional territory.

By Reps. Penry and McMillan (With Notice and Proof):

H. 1053. To alter, rearrange and extend the boundaries and corporate limits of the City of Daphne, Alabama, so as to incorporate certain territory as described herein and provide for form of government and operation thereof.
Short Title "Daphne Annexation Act I"

By Rep. Venable (With Notice and Proof):

H. 1055. Relating to Elmore County; providing further for the procedure for selling and redeeming lands for taxes.

By Rep. Haynes (With Notice and Proof):

H. 1057. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

By Rep. Rains (With Notice and Proof):

H. 1027. Relating to Marshall County; levying an additional tax on the wholesale price of all spirituous or vinous liquors sold in the county and providing for disposition of the proceeds from such taxes.

By Rep. Blake (With Notice and Proof):

H. 1029. Relating to St. Clair County; providing for the collection of the one and a half percent sales tax levied by the county commission.

By Reps. Britnell, Logan, and Newman (With Notice and Proof):

H. 1030. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

By Rep. Laird (With Notice and Proof):

H. 1031. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

By Rep. Mikell (With Notice and Proof):

H. 1032. Relating to Elmore County; to provide for the creation, maintenance and regulation of districts for fighting or preventing fires, and providing other related services, and to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; and to provide for the creation of the Elmore County Fire Protection Board.

By Rep. Turnham (With Notice and Proof):

H. 1033. Relating to Lee County; to authorize the county commission, subject to the referendum approval of a majority of the qualified electors of any fire fighting district, to levy and collect charges on property within fire fighting districts of Lee County; to authorize the county commission to establish fire protection districts and enter into agreements with volunteer fire departments for fire protection services in said districts; to provide for the assessment, collection, and use of the proceeds of such charges; and to provide for a procedure of holding referendum elections in fire protection districts in order to ratify the charges herein authorized.

By Rep. Turnham:

H. 1034. To propose an amendment to the Constitution of Alabama of 1901, relating to and authorizing the levy and collection, by the governing body of Lee County, of financial charges or assessments on property within

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the boundaries of any one or more fire fighting districts in Lee County, the holding of elections within such districts to approve the rate or rates and duration of such financial charges or assessments, providing that such financial charges or assessments need not be assessed in exact proportion to value, and providing for the expenditure of the proceeds from such financial charges or assessments; to fix a date for an election upon such proposed amendment; and to provide for publication of notice thereof prior to such election.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Penry and McMillan (With Notice and Proof):

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

By Rep. Headley (With Notice and Proof):

H. 1043. To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to repeal Act No. 81-839, H. 1116, 1981 Regular Session.

By Rep. Headley (With Notice and Proof):

H. 1044. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

By Rep. Headley (With Notice and Proof):

H. 1045. Applying only to Bibb County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

By Reps. Higginbotham and Turnham (With Notice and Proof):

H. 1059. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

By Rep. Ford (With Notice and Proof):

H. 578. To impose a filing fee of Two Dollars (\$2.00) on certain instruments, documents, and papers filed for record in the office of the Probate Judge of Etowah County, the funds collected therefrom to be used exclusively for the funding of the mental health program in Etowah County.

By Rep. Warren (With Notice and Proof):

H. 736. Relating to Conecuh County; to provide that beer or ale may be sold in cans not exceeding one quart or 32 ounces in size.

By Rep. Junkins (With Notice and Proof):

H. 769. Relating to Etowah County, establishing the Etowah County Sports Hall of Fame, providing for its membership to be selected by the Selection Criteria Committee, and providing for its location.

By Reps. Buskey (JL) and Walker (With Notice and Proof):

H. 848. Relating to the City of Montgomery; providing that city employees shall observe and be given certain holidays.

By Reps. McMillan and Penry (With Notice and Proof):

H. 992. Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

By Rep. McKee (With Notice and Proof):

H. 937. To authorize the Montgomery County Board of Health to designate the services for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

By Reps. Drake, Marks, and Dillard (With Notice and Proof):

H. 1028. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

By Rep. Parker (With Notice and Proof):

H. 1041. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

By Rep. Beasley (With Notice and Proof):

H. 1051. Notice is hereby given of the intention to introduce and ask for passage at the present session of the Legislature of the State of Alabama of the following Act:

An Act to provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided

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for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416, and to provide for retroactive effect.

By Reps. Carothers, Mathis, and Beasley (With Notice and Proof):

H. 1061. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

By Rep. Ford (With Notice and Proof):

H. 1038. To levy an additional lodgings tax in Etowah County; to provide for the collection and distribution of net revenues generated by said tax; and to provide that the net proceeds of said tax shall be used exclusively for purposes of promoting tourism and beautification in Etowah County.

By Rep. Newman (With Notice and Proof):

H. 1039. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

By Reps. Bugg, Junkins, and Ford (With Notice and Proof):

H. 1054. Relating to the City of Gadsden in Etowah County; to provide that civil service board members shall receive compensation in the amount of \$50.00 a month.

By Rep. Campbell (With Notice and Proof):

H. 1036. To amend Act No. 274, H. 990, 1975 Regular Session (Acts of 1975, p. 809), as amended, which provided that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754), which provided a civil service system for the employees of the sheriff's office of Calhoun County, shall apply to certain regular employees of Calhoun County, so as to except certain persons from the application of said act; further to provide that the Civil Service Board of Calhoun County, Alabama shall be authorized to select and retain legal counsel of its own choice; and further to provide for the annual appropriation for the said board.

By Rep. Campbell (With Notice and Proof):

H. 1037. To authorize the Calhoun County Commission to impose excise taxes on persons, corporations, partnerships, companies, agencies, associations, trusts, estates and other entities engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in Calhoun County not to exceed two cents (\$.02) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Calhoun County Commission to make reasonable rules and regulations for the collection of such taxes, to provide for the enforcement of this act and to fix a penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Calhoun County Commission for the collection of said taxes and to provide for an advisory referendum or election of the qualified electors of Calhoun County as to whether the excise tax should be imposed by the Calhoun County Commission.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Marietta (With Notice and Proof):

H. 1040. Relating to Mobile County; to authorize the incorporation of public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may be able to develop land as sites for industrial parks in Mobile County which shall be deemed to include the provision of water, sewage, drainage, transportation, and communication facilities and other similar facilities which are incidental to the use of land as an industrial park; to provide for the election and compensation of directors of any such corporation; to provide for the powers and duties of any such corporation and its board of directors; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this act shall not constitute or create a debt of the county, or of any municipality or political subdivision of the county; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation, including license and excise taxes, levied by the county or any municipality, or political subdivision of the county; and to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all such taxation.

By Reps. Box, Harper, and Kvalheim:

H. 962. To propose an Amendment to the Constitution of Alabama of 1901, providing further for the distribution of proceeds from certain ad valorem taxes.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Clark (W) (With Notice and Proof):

H. 1020. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation

of a board of pensions for all purposes in connection herewith; to provide penalties for violations of its provisions.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Campbell, Johnson (RW), Clark (J), Harper, Hammett, Carter, Higginbotham, Fuller, and Slaughter:

H. 674. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to make certain legislative findings; to create an Alabama Commission on Quality Education, and to specify the method of appointment, to monitor, provide assistance and make recommendations to the Governor and the Legislature with respect to the implementation of this act and education in general; to create for each city and county board of education in the state a Public School Improvement Committee, the members of which shall be appointed by the Alabama Commission on Quality Education with the assistance of each city or county board of education, to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level; to require the Director of Finance and the Department of Examiners of Public Accounts, upon request from the Commission, to conduct a financial audit of any board of education; to require the Department of Education, upon request from the Commission, to conduct an instructional audit of any board of education and any public school; to permit the Commission to examine the overall organizational structure, staff assignments and day-to-day functions of the Department of Education; to repeal Chapter 6 of Title 16 of the Code of Alabama 1975, which created the Alabama Education Study Commission; to establish an accreditation system for all city and county boards of education and all public elementary and secondary schools in the state, to supplement the existing accreditation system established by the State Board of Education, which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, to provide for the intervention by the State Superintendent of Education in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance standards; to provide for the adoption by the State Board of Education of additional program approval standards applicable to all teacher education programs in the state; to amend Chapter 23 and Chapter 3 of Title 16 of the Code of Alabama 1975, to provide for the issuance of the extraordinary teaching certificates under certain circumstances; to repeal Section 16-6A-10 of the Code of Alabama 1975, which provided for the employment of provisionally certified teachers in critical needs areas; to provide for the evaluation of teachers, supervisors, and principals; to repeal Chapter 24A of Title 16 of the Code of Alabama 1975, which established the performance-based career incentive program; to provide for the adoption by the State Board of Education of a comprehensive plan, utilizing the results of pilot programs for in-service and professional development of teachers in the state; to provide for the design, implementation and monitoring by the State Board of Education of a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement in the public elementary and secondary schools in the state; to provide for the development by the State Board of Education, in cooperation with public institutions of higher education in the state and leaders in high

technology business and industry, of a long-range plan utilizing the results of a pilot program, for the utilization of advanced technology teaching aides in the public elementary and secondary schools in the state; to provide for the assessment of the instructional leadership qualities and the management capabilities of persons being considered for initial appointment as elementary or secondary school principals in the state; to provide for the development and implementation by the State Board of Education of a statewide plan, utilizing the results of a pilot program, for providing educational and related services for students in the public schools who are at risk of school failure and to require city and county boards of education to adopt policies to ensure a safe school environment; to require the State Board of Education to develop alternative educational programs for students with problems which cannot be met in the regular school program; to require the State Board of Education to identify specific standards for promotion and minimum acceptable levels of performance; to require the development and implementation of basic skills proficiency examination by the State Board of Education; to require the State Board of Education to raise the minimum required passing score on the Alabama High School Graduation Exam; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills; to provide for the adoption of a complete, valid and reliable student assessment program by the State Board of Education; to amend Section 16-13-50 of the Code of Alabama 1975, to provide that appropriations for vocational and special education shall not become a part of the minimum program fund for education, but shall be distributed on the basis of a formula related to the cost of those vocational and special education programs; to amend Section 16-13-51 of the Code of Alabama 1975, to provide for the inclusion of maintenance and instructional materials in the calculation of the cost of the minimum program; and to amend Section 16-13-140 of the Code of Alabama 1975, to extend, from October 1 to October 31 of each year, the date by which each city and county board of education is required to submit its budget to the State Department of Education.

By Rep. Hill:

H. 19. To further provide for the purchase of out of state service by members of the teachers' and employees' retirement systems of Alabama.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 231. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

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bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 236. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 237. To make an appropriation for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 238. To make an appropriation for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Reed and Harper (With Substitute):

H. 244. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hogan:

H. 245. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

By Reps. White (L), Harper, and Turnham:

H. 253. To make an appropriation for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

By Rep. Harper:

H. 254. To make an appropriation from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

By Reps. Wright, Blake, Hill, Newman, Knight, Bowling, Walker, Parker, White (L), Hall, Rogers, Butler, Holley, Newton, Layson, Johnson (RW), Faulk, Moon, Freeman, Payne, Williams, Box, Gray, Rains, Britnell, Beasley, Willis, Starkey, Hamilton, Hettinger, Turner, Biddle, Headley, Warren, Carothers, Crow, Hooper, Ford, Goodwin, Higginbotham, Richardson, Johnson (RG), Hammett, Campbell, Cosby, Beers, McClain,

Escott, McDowell, Laird, Carter, Lindsey, Burke, Junkins, Perdue, Spratt, Davis, Slaughter, Marks, and Hogan:

H. 387. To exempt The Eye Foundation, Inc., and any of its branches and agencies from all state, county or municipal sales or use taxes.

By Reps. Crow, Blakeney, Frazier, Blake, Grouby, and Turner:

H. 683. To exempt the Amaranth Grand Court from the payment of all state, county and municipal sales and use taxes.

By Reps. Kennedy and McClain:

H. 667. To appropriate \$115,000 from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education in order to maximize family, parental, and community involvement in the educational process in order to reduce pupil drop-outs, reduce violence and drugs in schools of Alabama; to assist at-risk students through assistance from volunteers; to improve basic academic skills, self-esteem, school attendance, and home study habits by working with local school systems and community-based organization to maximize the opportunities for at-risk students to achieve educational excellence.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute):

H. 1052. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1989 for educational purposes; and to make a legislative finding.

By Reps. Carter and Freeman (With Substitute):

H. 1058. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 983. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with

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substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Harper and Turnham (With Substitute) (With Amendments):

H. 135. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

Senator Drinkard, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Zoghby, Harvey, Breedlove, Hill, Beasley, Ford, Logan, and Campbell:

H. 943. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Senator Manley, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Buskey (JE), Zoghby, Kennedy, and Clark (W):

H. 813. Relating to the Alabama Department of Forensic Sciences; to authorize the transfer of two drug chemists from the Mobile City Laboratory into the Alabama Department of Forensic Sciences Mobile Laboratory; to authorize their appointment from the Certified List of Eligibles regardless of their standing on the list and to provide for any accrued retirement benefits to be handled as per current law.

WHEREAS, the City of Mobile Police Department now funds and operates a city drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences now funds and operates a similar drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences provides drug chemistry testing and other forensic services to all other Alabama cities and counties; and

WHEREAS, the City of Mobile and the Alabama Department of Forensic Sciences desire to reduce taxpayer costs; and

WHEREAS, both agencies desire to consolidate the drug chemistry laboratories in Mobile; and

WHEREAS, the two city employees are now on the appropriate Merit System register of qualified applicants; and

WHEREAS, the acceptance of the two employees will not violate, but indeed will enhance the pertinent federal court order on state hiring; now therefore,

Senator Foshee, Vice Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on

the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hall (With Notice and Proof):

H. 978. Relating to Madison County; providing for the establishment of a five- or more-unit road maintenance, repair and construction system; providing for the employment of a county engineer; defining the authority, powers and duties of the county engineer; prescribing certain regulations relating to county vehicles; and providing for a referendum.

By Rep. Black (With Notice and Proof):

H. 1042. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

RESOLUTIONS

Senator Hand offered the following Senate Resolution, to-wit:

S. R. 217. COMMENDING THE MORGAN'S RAIDERS OF THE MARION MILITARY INSTITUTE IN MARION, ALABAMA.

Which was filed.

Senators Dial, Hilliard, Bennett, Bedford, Cabaniss, Amari, Horn, and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 218. NAMING "FORT S. RALPH TERHUNE," ALABAMA ARMY NATIONAL GUARD ARMORY IN BIRMINGHAM, ALABAMA.

WHEREAS, Samuel Ralph Terhune is a prominent Birmingham area physician who is retired after 40 years in the active practice of orthopedic surgery, and otherwise greatly contributed to the medical field as Assistant Professor of Orthopedic Surgery at the University of Alabama School of Medicine; as Director of the Cerebral Palsy Aid Association of Alabama; and as founder of the first "Bone Bank" in the State of Alabama; and

WHEREAS, Dr. S. Ralph Terhune, also a distinguished military veteran of World War II, was a member of the U. S. Army Reserve and was the driving force behind the activation of the 109th Evacuation Hospital as a unit of the Alabama Army National Guard in Birmingham; and

WHEREAS, he further served as Commander of the 109th Evacuation Hospital from the time of its activation as the first National Guard hospital unit in the United States until his retirement in 1967, at which time he was appointed a Brigadier General, State Militia, State of Alabama; and

WHEREAS, the home armory of the 109th Evacuation Hospital, along with the 550th and the 650th Dental Detachments, is located at 5300 57th Street North in Birmingham, Alabama, and it is the desire of the members of these three units that this Armory be named in honor of Doctor/Brigadier General S. Ralph Terhune, the "Father of the 109th" and a great servant of the medical profession, the Guard, his community and the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to Samuel Ralph

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Terhune, we hereby name and designate the Alabama National Guard Armory at 5300 57th Street North, Birmingham, Alabama, as "Fort S. Ralph Terhune," and do further authorize the proper officials to erect and maintain appropriate signs and markers so designating said Armory.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Terhune as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

MOTION IN WRITING TO AMEND SENATE RULES

Pursuant to the notice in writing given on the last legislative day, I now move that we adopt the following new Senate Rule Number 80:

Rule 80: Each joint resolution offered for introduction shall contain a title, and each joint resolution shall contain only one subject, which shall be clearly expressed in the title. Any joint resolution not in compliance with this rule shall be void.

Which was read and referred to the Standing Committee on Rules.

RESOLUTION

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 219. CONGRATULATING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL SYMPHONIC BAND FOR OUTSTANDING ACHIEVEMENT.

Which was filed.

BUDGET ISOLATION RESOLUTION

Senator Foshee, B. I. R., H. B. 844, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn
Amari	Cabaniss	Goodwin	Langford
Bailey	Campbell	Hale	Manley
Barron	Corbett	Hand	Menton
Bedford	Drinkard	Hilliard	Mitchem
Bedsole	Ellis	Holmes	Parsons
Bennett	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 844. Relating to Pike County; providing further for the compensation of the members of the board of registrars and repealing Act No. 85-990, H. 103, 1985 Second Special Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Horn	
Amari	Cabaniss	Goodwin	Langford	
Bailey	Campbell	Hale	Manley	
Barron	Corbett	Hand	Menton	
Bedford	Drinkard	Hilliard	Mitchem	
Bedsole	Ellis	Holmes	Parsons	
Bennett	Figures			—25

Nays: —0

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 220. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 418	33

Obscenity, distrib. of made unlawful, Secs. 13a-12-150 thru 13a-12-159 and Secs. 13a-12-170 thru 13a-12-179 repealed.

On motion of Senator Drinkard, the Resolution was laid on the table.

The Standing Committee on Rules then offered the following Senate Resolution, to-wit:

S. R. 221. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 639	25

Radioactive waste, reg. and licensing alt., civil penalties incr., Sec. 22-14-14 am'd.

H. 638	25
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Southeast Interstate Low-level Radioactive Waste Management Compact, withdrawal alt., Sec. 22-32-1 am'd.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 639, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Bailey	Campbell	Goodwin	Menton	
Barron	deGraffenried	Hale	Mitchem	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	—27

Nays: —0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 639. To amend section 22-14-14, Code of Alabama 1975, relating to radiation control, so as to provide for civil penalties for users of radioactive material and to provide for the regulation and certification of volume reduction of low-level radioactive wastes and the collection of fees from federal licenses requesting certification.

Senator Corbett offered the following substitute for the Bill, H. B. 639, to-wit:

SUBSTITUTE FOR H. B. 639

**A BILL
TO BE ENTITLED
AN ACT**

To amend section 22-14-14, Code of Alabama 1975, relating to radiation control, so as to provide for civil penalties for users of radioactive material and to provide for the regulation and certification of volume reduction of low-level radioactive wastes and the collection of fees from federal licenses requesting certification.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-14-14, Code of Alabama 1975, is hereby amended to read as follows:

“§22-14-14.

“(a) Any person who willfully violates any of the provisions of this article or rules, regulations or orders of the agency in effect pursuant thereto shall, upon conviction thereof, be punished by a fine not exceeding \$1,000.00, or by imprisonment in the county jail or by a sentence to hard labor for the county not exceeding 12 months, or by both fine and imprisonment or hard labor.

“(b) Any person who

“(1) Violates any licensing provision of sections 22-14-4 or 22-14-6 or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or

“(2) Commits any violation for which a license may be revoked under section 22-14-11,

“shall be subject to a civil penalty to be imposed by the state radiation control agency not to exceed \$100,000.00 for each such violation. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty. The state radiation control agency shall have the power to compromise, mitigate, or remit such penalties.

“(c) Whenever the state radiation control agency has reason to believe that a person has become subject to the imposition of a civil penalty under the provisions of this section, it shall notify such person in writing:

“(1) Setting forth the date(s), facts, and nature of each act or omission with which the person is charged,

“(2) Specifically identifying the particular provision or provisions of the section, rule, or regulation, order, or license involved in the violation, and

“(3) Advising of each penalty which the state radiation control agency proposes to impose and its amount.

“Such written notice shall be sent by registered mail by the state radiation control agency to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within a reasonable period as the state radiation control agency shall by regulation provide, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the state radiation control agency, if any, the penalty may be collected by civil action.

“(d) Upon the request of the director of the state radiation control agency, the attorney general is authorized to institute a civil action to collect a civil penalty imposed pursuant to this section. The attorney general shall have the power to compromise, mitigate, or remit such civil penalties as are referred to him for collection.

“(e) In determining the amount of civil penalty, the state radiation control agency shall issue rules, regulations, or orders which consider:

“(1) The class or types of licenses or vendors,

“(2) The economic effect on the person,

“(3) The severity of the violation,

“(4) The compliance history of the person, and

“(5) The person’s responsiveness with corrective actions.

“In addition to the above, for those persons who qualify as a small business pursuant to the laws relating to small business administration loans and nonprofit institutions, the maximum civil penalty stated in subsection (b) above shall be \$10,000.00.

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"(f) All civil penalties, less any costs to the attorney general's office, shall be paid into the general fund."

Section 2. (a) The state radiation control agency shall develop and adopt rules which require generator of low-level radioactive waste to implement best management practices, including prevention, minimization, reduction, segregation, and hole-for-decay storage, as a condition of access to a low-level radioactive waste disposal facility licensed by the state radiation control agency or by the appropriate authority of a state which has compacted with Alabama to dispose of low-level radioactive waste generated in Alabama.

(b) The state radiation control agency shall determine and certify to another state or a facility, if requested by that state or facility, that a facility either does or does not comply with the rules issued pursuant to (a) of this section based upon data, reports, and/or other information available to the agency.

(c) The state radiation control agency may issue a certification for facilities licensed only by the federal government if it has sufficient data, reports, and/or other information to determine whether such a facility is complying with the rule specified in (a) of this section. Such facility may request the inspection by the staff of the state radiation control agency of those activities related to the volume reduction of low-level radioactive waste. Such a facility shall pay a fee equal to 75 percent of the appropriate U.S. Nuclear Regulatory Commission's average cost per professional staff hour based upon the professional staff time spent in determining that a facility does or does not comply with the criteria adopted pursuant to (a) of this section. Failure to pay such inspection fee shall permit the state radiation control agency to revoke or rescind any certifications issued. All such fees are to be paid into the radiation safety fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	Denton	Goodwin	Preuitt
Bedford	Dial	Hale	Rice
Bedsole	Drinkard	Hand	Sanders
Bennett	Ellis	Langford	Smith (B)
Cabaniss	Figures	Manley	Smith (J)
Corbett	Foshee	Menton	

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Nay: Senator Parsons —1

On motion of Senator Bennett, further consideration of the Bill, H. B. 639, as thus amended by the substitute, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Bennett, B. I. R., H. B. 638, adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Hale	Manley	
Bedford	Denton	Hand	Menton	
Bedsole	Dial	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Bishop	Ellis	Horn	Sanders	
Cabaniss	Foshee	Langford	Smith (B)	—23

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 638. To amend Title 22, chapter 32, Code of Alabama 1975, relating to the Southeast Interstate Low-Level Radioactive Waste Management Compact, so as to clarify the withdrawal criteria for a party state, to specify host state requirements, and to clarify the designation of Alabama's commissioners.

was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Parsons	
Bedsole	Drinkard	Hilliard	Preuitt	
Bennett	Ellis	Holmes	Rice	
Bishop	Figures	Langford	Sanders	
Cabaniss	Foshee	Manley	Smith (B)	
Campbell	Goodwin	Menton	Smith (J)	
Corbett				—28

Nays: —0**FURTHER CONSIDERATION OF H. B. 639**

The Senate proceeded to further consideration of the Bill, H. B. 639, as amended by the substitute.

On motion of Senator Bennett, the Senate reconsidered the vote by which the Corbett substitute for the Bill, H. B. 639, was adopted.

On motion of Senator Bennett, said substitute was laid on the table.

And said Bill, H. B. 639, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Amari	Corbett	Hale	Parsons	
Bailey	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Rice	
Bedsole	Drinkard	Holmes	Sanders	
Bennett	Ellis	Horn	Smith (B)	
Bishop	Figures	Langford	Smith (J)	
Cabaniss	Foshee	Manley		—30

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 222. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 262	10
Economics and Com. Affairs Dept., sup. approp. for FY ending Sept. 30, 1988.	
H. 1007	51
Board of Nursing, approp.	
H. 655	10
Alabama Plumbers and Gas Fitters Examining Board, approp.	
H. 229	67
Beacon House-Jasper, approp.	
H. 1006	50
Black Belt Human Resource Development Center, approp.	
H. 249	64
Camp ASCCA, approp.	
H. 395	60
Children and womens hospital, approp.	
H. 235	68
Children's Hosp.-UAB, approp.	
H. 232	67
Civil Air Patrol, approp.	
H. 1004	49
Coalition Against Domestic Violence, approp.	
H. 1017	54
Physical Fitness Commission, approp.	
H. 246	71
Commission on Aging, approp.	
H. 1012	53
Alabama State Council on the Arts, approp.	

H. 1016 54

Kate Duncan Smith DAR School, approp.

H. 1005 50

Department of Education, approp.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 262, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 262. To provide for a supplemental appropriation to the Department of Economic and Community Affairs (ADECA), for the Planning Program for the period ending September 30, 1988, in the amount of \$300,000.

And said Bill, H. B. 262, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Hale	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Holmes	Preuitt	
Bedsole	Dial	Horn	Sanders	
Bennett	Ellis	Langford	Smith (B)	
Bishop	Foshee	Manley	Smith (J)	
Cabaniss	Goodwin			—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1007, adopted.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1007. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Bailey	Corbett	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedsole	Dial	Holmes	Sanders	
Bennett	Drinkard	Horn	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	
Cabaniss	Foshee	Manley		—26
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 452. COMMENDING MR. AND MRS. CLARENCE W. DURYEA, JR., OF BAY MINETTE, ALABAMA.

Also:

H. J. R. 460. CONGRATULATING THE CLARKE COUNTY HIGH SCHOOL QUIZ BOWL TEAM UPON WINNING THE 1988 ALABAMA STATE QUIZ BOWL CHAMPIONSHIP.

Also:

H. J. R. 465. COMMENDING SENATOR HENRY (HANK) SANDERS OF SELMA, ALABAMA, STATE PRESIDENT OF THE ALABAMA NEW SOUTH COALITION.

Also:

H. J. R. 468. COMMENDING WILLIAM BYRON CAUSEY OF ALEXANDER CITY, ALABAMA.

Also:

H. J. R. 470. HONORING THE LATE DREW PEARSON.

Also:

H. J. R. 473. DESIGNATING JUNE 5-11, 1988, AS SAFE BOATING WEEK IN ALABAMA.

Also:

H. J. R. 438. COMMENDING THE SCIENCE, TECHNOLOGY AND ENERGY DIVISION OF THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS.

Also:

H. J. R. 439. COMMENDING PAT SWIFT BLALOCK FOR DISTINGUISHED SERVICE TO THE SELMA PUBLIC LIBRARY AND THE COMMUNITY.

Also:

H. J. R. 440. COMMENDING THE MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.

Also:

H. J. R. 441. COMMENDING THE CEDAR PARK/EDGEWOOD ODYSSEY OF THE MIND TEAM.

Also:

H. J. R. 442. COMMENDING THE BYRD SCHOOL ODYSSEY OF THE MIND TEAM.

Also:

H. J. R. 443. COMMENDING SAMUEL MICKLUS, FOUNDER OF ODYSSEY OF THE MIND.

Also:

H. J. R. 475. COMMENDING THE UNIVERSITY OF SOUTH ALABAMA ON THE OCCASION OF ITS TWENTY-FIFTH ANNIVERSARY.

Also:

H. J. R. 444. COMMENDING DEAN STAN FRASIER OF WALLACE STATE COMMUNITY COLLEGE, SELMA, ALABAMA.

Also:

H. J. R. 445. REQUESTING THE ALABAMA COLLEGE SYSTEM, THE ALABAMA COMMISSION ON HIGHER EDUCATION AND THE DEPARTMENT OF EDUCATION (SECONDARY EDUCATION) TO DEVELOP AND COORDINATE AN ACCESSIBLE AND AFFORDABLE TRAINING PROGRAM FOR THE CHILD DAY CARE COMMUNITY, BUILDING UPON THE PLAN PROPOSED BY THE ALABAMA COLLEGE SYSTEM.

Also:

H. J. R. 446. URGING THE ATTORNEY GENERAL, THE DISTRICT ATTORNEYS, AND THE ALABAMA COUNCIL OF CHILD DAY

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CARE REGULATORS TO CONTINUE GIVING PRIORITY TO THE ENFORCEMENT OF THE CHILD CARE ACT OF 1971 (SECTIONS 38-7-1 THROUGH 38-7-17, CODE OF ALABAMA 1975).

Also:

H. J. R. 447. URGING THE DEPARTMENT OF HUMAN RESOURCES TO INITIATE CERTAIN POLICIES AND ACTIONS REGARDING THE CHILD DAY CARE INDUSTRY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 483. MOURNING THE DEATH OF JOHN B. JOHNSON OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 844. Relating to Pike County; providing further for the compensation of the members of the board of registrars and repealing Act No. 85-990, H. 103, 1985 Second Special Session.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 655, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 655. To provide for an appropriation to the Alabama Plumbers and Gas Fitters Examining Board from the Alabama Plumbers and Gas Fitters Examining Board Fund in the amount of \$202,913.00 for the fiscal year ending September 30, 1988.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bedsole	Denton	Hand	Mitchem	
Bennett	Ellis	Holmes	Preuitt	
Bishop	Figures	Horn	Sanders	
Cabaniss	Foshee	Langford	Smith (B)	
Campbell	Goodwin	Manley	Smith (J)	
Corbett				—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 229, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

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BILLS ON THIRD READING RESUMED

THE BILL:

H. 229. To make an appropriation from the State General Fund to the Beacon House-Jasper for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Menton	
Bedsole	Denton	Hand	Mitchem	
Bennett	Drinkard	Holmes	Preuitt	
Bishop	Ellis	Horn	Rice	
Cabaniss	Figures	Langford	Sanders	
Campbell	Foshee	Manley	Smith (B)	
Corbett	Goodwin			—25
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1006, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1006. To make an appropriation from the State General Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1006, to-wit:

AMENDMENT TO H. B. 1006

Amend House Bill 1006, on Page 1, Line 20, by striking out the "State General Fund" after the word "from" and inserting the "Alabama State Educational Trust Fund".

Further amend on Page 1, Lines 5 and 6 by striking out "the State General Fund" after the word "from" and inserting in lieu thereof "the Alabama State Educational Trust Fund".

Further amend on Page 1, Line 13 by striking out "the State General Fund" after the word "from" and inserting in lieu thereof "the Alabama Special Educational Trust Fund".

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Campbell	Hale	Mitchem	
Barron	Corbett	Hand	Preuitt	
Bedsole	deGraffenried	Horn	Rice	
Bennett	Dial	Langford	Sanders	
Bishop	Figures	Manley	Smith (B)	
Cabaniss	Foshee	Menton	Smith (J)	—23

Nays: —0

And said Bill, H. B. 1006, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton	
Amari	deGraffenried	Hale	Mitchem	
Bedsole	Dial	Hand	Preuitt	
Bishop	Ellis	Horn	Rice	
Cabaniss	Figures	Langford	Sanders	
Campbell	Foshee	Manley	Smith (B)	—23

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 249, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 249. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September

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30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 249, to-wit:

AMENDMENT TO H. B. 249

Amend House Bill 249, Page 1, Line 22, by striking out "one hundred ninety-three" after the word "of" and inserting in lieu thereof the following:

"two hundred forty-three".

Further amend H. B. 249, Page 1, Line 23, by striking the figure \$193,804" and inserting in lieu thereof the figure "\$243,804".

On motion of Senator Corbett, said amendment was laid on the table.

Yeas 15; Nays 13.

Yeas:

Senators:	Bennett	Denton	Horn	
Amari	Bishop	Figures	Langford	
Bailey	Campbell	Foshee	Menton	
Bedford	Corbett	Goodwin	Sanders	—15

Nays:

Senators:	deGraffenried	Hand	Preuitt	
Barron	Dial	Manley	Rice	
Bedsole	Ellis	Mitchem	Smith (J)	
Cabaniss	Hale			—13

Senator Rice offered the following amendment to the Bill, H. B. 249, to-wit:

AMENDMENT TO H. B. 249

Amend House Bill No. 249 Page 1 Line 22, by striking out one hundred ninety-three after the word of and insert in lieu thereof the following:

"two hundred fifty".

Further amend H. B. 249, page 1 line 23, by striking the figure \$193,804 and inserting in lieu thereof the figure 250,000.

On motion of Senator Corbett, said amendment was laid on the table.

Yeas 17; Nays 13.

Yeas:

Senators:	Bishop	Foshee	Langford	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Holmes	Parsons	
Bedford	Denton	Horn	Sanders	
Bennett	Figures			—17

Nays:

Senators:	deGraffenried	Hand	Preuitt	
Barron	Dial	Hilliard	Rice	
Bedsole	Ellis	Mitchem	Smith (B)	
Cabaniss	Hale			—13

And said Bill, H. B. 249, was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Bedford	Dial	Hilliard	Preuitt	
Bedsole	Ellis	Holmes	Sanders	
Bennett	Figures	Langford	Smith (B)	
Bishop				—24

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 395, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 395. To make an appropriation from the State General Fund in the amount of \$350,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

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BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 235, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 235. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 235, to-wit:

AMENDMENT TO H. B. 235

Amend House Bill 235 as follows:

On Page 1, Section 1, Line 25, delete "four" and insert in lieu thereof "five".

Further amend on Page 1, Section 1, Line 25, by deleting the sum "\$400,000" and inserting in lieu thereof "\$500,000".

On motion of Senator Corbett, said amendment was laid on the table.

Yeas 16; Nays 14.

Yeas:

Senators:	Corbett	Foshee	Langford
Bailey	Denton	Goodwin	Manley
Bedford	Dial	Holmes	Menton
Bishop	Figures	Horn	Sanders
Campbell			

—16

Nays:

Senators:	Bennett	Hale	Preuitt
Amari	Cabaniss	Hilliard	Rice
Barron	deGraffenried	Mitchem	Smith (B)
Bedsole	Drinkard	Parsons	

—14

And said Bill, H. B. 235, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 232, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 232. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1004, adopted.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1004. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1017, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1017. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 246, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 246. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1012, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1012. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1016, adopted.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1016. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1005, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1005. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Horn	
Amari	Campbell	Ellis	Menton	
Barron	Corbett	Foshee	Preuitt	
Bedford	deGraffenried	Goodwin	Sanders	
Bedsole	Denton	Holmes	Smith (B)	
Bishop				—20

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 223. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 1002	59
Opportunities Industrialization Center, approp.	
H. 1003	59
Parents Anonymous, approp.	
H. 1013	53
Alabama Public Library Service, approp.	
H. 1011	52
Public Health Department, approp.	
H. 248	64
Retired Senior Volunteer Program, approp.	
H. 251	65
Sickle Cell Education Program, approp.	
H. 1001	59
Space Science Exhibit Commission, approp.	

H. 234 68

United Cerebral Palsy of Ala, approp.

H. 242 70

Warrior-Tombigbee Devel. Assoc., approp.

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1002, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Dial	Holmes	Preuitt	
Bedford	Drinkard	Horn	Sanders	
Bedsole	Ellis	Manley	Smith (B)	
Campbell	Foshee	Menton	Smith (J)	
deGraffenried	Goodwin			—17

Nay: Senator Corbett —1

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the third special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 1002. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center for the fiscal year ending September 30, 1989.

And said Bill, H. B. 1002, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Amari	Campbell	Goodwin	Preuitt	
Bailey	Corbett	Holmes	Sanders	
Bedford	deGraffenried	Horn	Smith (B)	
Bedsole	Dial	Langford	Smith (J)	
Bennett	Ellis	Manley		—22

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1003, adopted.

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Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Hale	Menton	
Amari	Campbell	Holmes	Preuitt	
Bailey	deGraffenried	Horn	Sanders	
Bedford	Dial	Langford	Smith (B)	
Bedsole	Ellis	Manley	Smith (J)	
Bennett	Goodwin			—21

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1003. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1013, lost, for failure to receive the required three-fifths of those voting.

Yeas 18; Nays 13.

Yeas:

Senators:	Bishop	Foshee	Langford	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Hilliard	Parsons	
Bedford	Denton	Holmes	Sanders	
Bennett	Figures	Horn		—18

Nays:

Senators:	deGraffenried	Hand	Preuitt	
Barron	Dial	Manley	Smith (B)	
Bedsole	Ellis	Mitchem	Smith (J)	
Cabaniss	Hale			—13

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1011, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1011. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 248, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 248. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1989, and to require an operations plan prior to release of any funds.

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was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 251, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 251. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

was taken up.

Senator Bedsole offered the following substitute for the Bill, H. B. 251, to-wit:

SUBSTITUTE FOR H. B. 251

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year 1988-89 there is hereby appropriated from the State General Fund the sum of Four Hundred Eleven Thousand Five

Hundred Sixty-one (\$411,561) for the use of a statewide sickle cell education program.

Section 2. For the fiscal year 1988-89 there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of Two Hundred Two Thousand Fifteen Dollars (\$202,015) for the use of a statewide sickle cell education program.

Section 3. The Jefferson County Sickle Cell Detection Committee, Inc. shall serve as the statewide administrator of this program and shall distribute funds to the several regional Sickle Cell Association/Foundations.

Section 4. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 5. This act shall become effective on October 1, 1988.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

And said Bill, H. B. 251, as thus amended by the substitute, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1001, adopted.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1001. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 234, adopted.

Yeas 23; Nays 0.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Foshee	Horn	
Barron	Campbell	Goodwin	Langford	
Bedford	Dial	Hale	Menton	
Bedsole	Drinkard	Hand	Preuitt	
Bennett	Ellis	Hilliard	Rice	
Bishop	Figures	Holmes	Smith (B)	—23

Nays: —0

Abstaining: Senator Smith (J) —1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 234. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 28; Nays 0.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Figures	Langford	
Amari	Campbell	Foshee	Manley	
Bailey	deGraffenried	Goodwin	Menton	
Barron	Denton	Hale	Mitchem	
Bedford	Dial	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Sanders	
Bennett	Ellis	Horn	Smith (B)	
Bishop				—28

Nays: —0

Abstaining: Senator Smith (J) —1

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 242, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 242. To make an appropriation from the State General Fund for the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

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Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 224. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 1009	51
Department of Youth Services, approp.	
H. 933	27
Dept. of Youth Services, approp. for probation officers salary supplement.	
H. 1000	58
Dothan Landmark, approp.	
H. 257	11
Dothan Landmark Foundation, approp.	
H. 1010	52
East Ala. Child Development Program, approp.	
H. 227	67
Elyton Recovery Center, approp.	
H. 226	26
Emergency Medical Services, approp.	
H. 1015	53
Department of Finance, approp.	
H. 1008	51
Firefighters' Personnel Standards and Education Commission, approp.	

H. 899	28
Human Resources Dept., supp. approp.	
H. 762	26
Industrial Development Training Institute, appropriations.	
H. 261	66
Legislative Council, approp.	
H. 1018	55
Lighthouse, Inc., approp.	
H. 239	69
Tri-Rivers Waterway Development Assoc., approp.	

On motion of Senator Drinkard, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1009, adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Menton
Bedford	Dial	Hand	Mitchem
Bedsole	Drinkard	Hilliard	Preuitt
Bennett	Ellis	Holmes	Smith (B)
Cabaniss	Foshee	Langford	Smith (J)
Campbell			

—24

Nays:

—0

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the fourth special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 1009. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

And said Bill, H. B. 1009, was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Langford
Bailey	deGraffenried	Goodwin	Manley
Bedford	Denton	Hale	Mitchem
Bedsole	Dial	Hilliard	Preuitt
Cabaniss	Drinkard	Holmes	Smith (B)
Campbell	Ellis	Horn	Smith (J)

—23

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 933, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Manley	
Bailey	Dial	Hale	Mitchem	
Bedford	Drinkard	Holmes	Preuitt	
Bedsole	Ellis	Horn	Smith (B)	
Cabaniss	Foshee	Langford	Smith (J)	
deGraffenried				—20

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 933. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

THE BILL:

H. 1000. To make an appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

On motion of Senator Horn, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 257, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Bishop	Goodwin	Manley	
Bailey	Cabaniss	Hale	Rice	
Barron	Denton	Hilliard	Smith (B)	
Bedford	Drinkard	Horn	Smith (J)	
Bedsole	Ellis			—17

Nay: Senator Dial —1

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 257. To make a supplemental appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1010, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1010. To make appropriations from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year ending September 30, 1989.

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was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hale	Parsons	
Bailey	Denton	Hilliard	Rice	
Bedford	Dial	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	
Cabaniss	Goodwin	Manley		—18

Nays: —0

THE BILL:

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

On motion of Senator Horn, further consideration of the Bill was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 226, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 226. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Manley	
Bailey	Campbell	Hale	Parsons	
Bedford	deGraffenried	Hilliard	Rice	
Bedsole	Dial	Horn	Smith (B)	
Bishop	Drinkard	Langford	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1015, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1015. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Bedford	Campbell	Hale	Parsons	
Bedsole	deGraffenried	Langford	Preuitt	
Bennett	Dial	Manley	Rice	
Bishop	Drinkard	Menton	Smith (B)	—19
<i>Nays:</i>				—0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 1008, adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Campbell	Ellis	Menton	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedsole	Denton	Hale	Rice	
Bennett	Dial	Langford	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	—20
Cabaniss				
<i>Nays:</i>				—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1008. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

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was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Amari	deGraffenried	Goodwin	Mitchem	
Bedsole	Denton	Horn	Rice	
Bennett	Dial	Langford	Smith (B)	
Bishop	Drinkard	Manley		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 899, adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hilliard	Mitchem	
Bedsole	Denton	Horn	Rice	
Bishop	Drinkard	Langford	Smith (B)	
Cabaniss	Foshee	Manley		—18

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 899. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 762, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 762. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Goodwin, B. I. R., H. B. 261, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 261. To make a supplemental appropriation of \$25,000 from the State General Fund to the Legislative Council for the fiscal year ending September 30, 1988.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Horn	
Amari	Campbell	Foshee	Langford	
Bedford	deGraffenried	Goodwin	Manley	
Bedsole	Dial	Hale	Menton	
Bishop	Drinkard	Hilliard	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 1018, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	—29
Bishop	Figures			

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1018. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Manley	
Amari	deGraffenried	Hale	Menton	
Bedford	Dial	Hilliard	Rice	
Bishop	Drinkard	Horn	Smith (J)	
Cabaniss	Foshee	Langford		—18

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 239, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 239. To make an appropriation from the State General Fund for the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Langford	
Amari	Cabaniss	Foshee	Menton	
Bedford	Campbell	Goodwin	Smith (B)	
Bedsole	Corbett	Hale	Smith (J)	
Bennett	Dial	Horn		—18

Nays: —0**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 225. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 321	37
Water Quality and Protection, underground storage tank and wellhead protection.	
H. 283	1

Ala. Impaired Physicians Committee, created.

On motion of Senator Bishop, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 321, adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Manley	
Bedford	Denton	Hale	Parsons	
Bedsole	Dial	Hilliard	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	
Bishop	Ellis			—17

Nay: Senator Corbett —1

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the fifth special, paramount, and continuing order of business for today, which was the Bill:

H. 321. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

On motion of Senator Dial, further consideration of the Bill, H. B. 321, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 283, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuit	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 283. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by

reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

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Nays:

—0

RECESS

At 3:15 P.M., on motion of Senator Denton, the Senate took a recess subject to the call of the Chair.

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At 4:15 P.M., the recess period having expired, the Senate was called to order by Lieutenant Governor Folsom. A quorum of the Senate was present.

FURTHER CONSIDERATION OF H. B. 321

The Senate proceeded to further consideration of the Bill, H. B. 321.

Senator Foshee offered the following amendment to the Bill, H. B. 321, to-wit:

AMENDMENT TO H. B. 321

Amend House Bill 321 on Page 15, Line 22 by amending Section 11 as follows:

Section 11. Rules and regulations pertaining to this act shall be adopted in accordance with applicable state and federal laws. The Commission shall not adopt any rules or regulations pertaining to underground storage tanks under the provisions of this act that are more stringent than those provided by United States rules or regulations.

On motion of Senator Dial, said amendment was laid on the table.

Yeas 12; Nays 9.

Yeas:

Senators:	Bennett	Drinkard	Horn	
Barron	Cabaniss	Ellis	Smith (B)	
Bedford	Dial	Hand	Smith (J)	
Bedsole				—12

Nays:

Senators:	Bishop	Denton	Goodwin	
Amari	Campbell	Foshee	Holmes	
Bailey	Corbett			—9

And said Bill, H. B. 321, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Mitchem	
Bailey	Corbett	Hale	Parsons	
Bedford	deGraffenried	Hand	Preuitt	
Bedsole	Denton	Holmes	Rice	
Bennett	Dial	Langford	Smith (B)	
Bishop	Drinkard	Manley	Smith (J)	
Cabaniss	Figures	Menton		—26

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Mitchem, B. I. R., H. B. 288, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Manley	
Amari	Cabaniss	Foshee	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Smith (B)	
Bennett	Drinkard	Langford	Smith (J)	—27

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 288. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

was taken up.

Senator Mitchem offered the following substitute for the Bill, H. B. 288, to-wit:

SUBSTITUTE FOR H. B. 288**A BILL
TO BE ENTITLED
AN ACT**

To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees' Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby provided, commencing October 1, 1988 to each person whose effective date of retirement for purposes of receiving benefits from the Teachers' Retirement System is prior to October 1, 1987, and to beneficiaries of deceased members of deceased retirees provided the date of death for such deceased member or the effective date of retirement for such deceased retiree for purposes of receiving benefits from the Teachers' Retirement System was prior to October 1, 1987, and who is receiving a monthly allowance from the Teachers' Retirement System a cost of living increase as follows:

(1) \$1.00 per month for each year of service attained by said retiree for each retiree selecting the maximum retirement allowance or Option 1.

(2) \$1.00 per month for each year of service attained by said retiree reduced by the retiree's option election factor for each retiree selecting Option II, III or IV.

(3) \$1.00 per month for each year of service attained by said deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. In addition to the foregoing amount an additional cost of living adjustment is provided effective October 1, 1989 as follows:

(1) \$1.00 per month for each year of service attained by said retiree for each retiree selecting the maximum retirement allowance or Option 1.

(2) \$1.00 per month for each year of service attained by said retiree reduced by the retiree's option election factor for each retiree selecting Option II, III or IV.

(3) \$1.00 per month for each year of service attained by said deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 3. (a) There is hereby provided, commencing October 1, 1988 to certain persons identified in subsection (b) herein, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1987 and to certain beneficiaries of deceased members and deceased retirees, provided the effective date of retirement or death for such deceased retiree or deceased member for purposes of receiving benefits from the Employees' Retirement System was prior to October 1, 1987 and who is receiving a monthly allowance from the Employees' Retirement System a cost of living increase as follows:

(1) \$1.00 per month for each year of service attained by said retiree for each retiree selecting the maximum retirement allowance or Option 1.

(2) \$1.00 per month for each year of service attained by said retiree reduced by the retiree's option election factor for each retiree selecting Option II, III or IV.

(3) \$1.00 per month for each year of service attained by said deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

(b) The benefits provided in this section are limited to those retirees and beneficiaries of deceased members and deceased retirees whose participation in the Employees' Retirement System was based on §36-27-6, Code of Alabama, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted herein shall not apply to any other participants in the Employees' Retirement System.

Section 4. (a) In addition to the foregoing amount an additional cost of living adjustment is provided effective October 1, 1989 as follows:

(1) \$1.00 per month for each year of service attained by said retiree for each retiree selecting the maximum retirement allowance or Option 1.

(2) \$1.00 per month for each year of service attained by said retiree reduced by the retiree's option election factor for each retiree selecting Option II, III or IV.

(3) \$1.00 per month for each year of service attained by said deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

(b) The benefits provided in this section are limited to those retirees and beneficiaries of deceased members and deceased retirees whose participation in the Employees' Retirement System was based on §36-27-6, Code of Alabama, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted herein shall not apply to any other participants in the Employees' Retirement System.

Section 5. The survivor allowance shall be adjusted as provided in Section 1 (3) for those eligible retirees who have selected a monthly survivor allowance payable to a designated beneficiary upon the death of such retiree.

Section 6. (a) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama \$7,276,740 for the fiscal year beginning October 1, 1988, or such amounts as are necessary to carry out the provisions of this section as it relates to the Teachers' Retirement System.

(b) There is hereby appropriated from the Alabama Special Educational Trust Fund to the Employees' Retirement System \$22,500 for the fiscal year beginning October 1, 1988, or such amounts as are necessary to carry out the provisions of this section as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System.

(c) Subsequent appropriations to the Teachers' and Employees' Retirement Systems shall be increased for the fiscal year beginning October 1, 1989 to the amount necessary to fund the benefit increases provided in Sections 2 and 4 of this bill and for each fiscal year thereafter shall be reduced to only the amount necessary to fund the benefit increases provided in Sections 1, 2, 3 and 4 of this bill, provided that the benefits provided herein shall continue from year to year only so long as the Legislature shall continue to fund the cost of said increases.

Section 7. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost of living increase provided herein shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such person's eligibility to receive benefits is impaired by the cost of living increase provided herein, shall not be entitled to receive said increase subsequent to the date that the member files application for benefits under the Medicaid program.

Section 8. The provisions of this bill are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to the retired members of the Teachers' Retirement System and certain members of the Employees' Retirement System of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent therewith are hereby repealed to the extent of such conflict.

Section 9. This act shall become effective October 1, 1988 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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Which was adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Manley	
Amari	Cabaniss	Ellis	Menton	
Bailey	Campbell	Foshee	Mitchem	
Barron	Corbett	Hale	Preuitt	
Bedford	deGraffenried	Hand	Rice	
Bedsole	Denton	Holmes	Smith (B)	
Bennett	Dial	Horn	Smith (J)	—27

Nays: —0

And said Bill, H. B. 288, as thus amended by the substitute, was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Menton	
Amari	Campbell	Foshee	Mitchem	
Bailey	Corbett	Goodwin	Parsons	
Barron	deGraffenried	Hand	Preuitt	
Bedford	Denton	Holmes	Rice	
Bedsole	Dial	Horn	Sanders	
Bennett	Drinkard	Langford	Smith (B)	
Bishop	Ellis	Manley	Smith (J)	—31

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 246. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 1005. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1989.

Also:

H. 1012. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

Also:

H. 1016. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1989.

Also:

H. 638. To amend Title 22, chapter 32, Code of Alabama 1975, relating to the Southeast Interstate Low-Level Radioactive Waste Management Compact, so as to clarify the withdrawal criteria for a party state, to specify host state requirements, and to clarify the designation of Alabama's commissioners.

Also:

H. 639. To amend section 22-14-14, Code of Alabama 1975, relating to radiation control, so as to provide for civil penalties for users of radioactive material and to provide for the regulation and certification of volume reduction of low-level radioactive wastes and the collection of fees from federal licenses requesting certification.

Also:

H. 1002. To make an appropriation from the Alabama Special Educational Trust Fund to the Opportunities Industrialization Center for the fiscal year ending September 30, 1989.

Also:

H. 1003. To make an appropriation from the State General Fund to Parents Anonymous for the fiscal year ending September 30, 1989.

Also:

H. 235. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 232. To make an appropriation from the State General Fund to the Civil Air Patrol-Alabama Wing for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 249. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 395. To make an appropriation from the State General Fund in the amount of \$350,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 1017. To make an appropriation to the Commission on Physical Fitness for the fiscal year ending September 30, 1989, for educational purposes.

Also:

H. 229. To make an appropriation from the State General Fund to the Beacon House-Jasper for the fiscal year ending September 30, 1989, and to

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require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 655. To provide for an appropriation to the Alabama Plumbers and Gas Fitters Examining Board from the Alabama Plumbers and Gas Fitters Examining Board Fund in the amount of \$202,913.00 for the fiscal year ending September 30, 1988.

Also:

H. 1004. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1989.

Also:

H. 1007. To make an appropriation to the Alabama Board of Nursing for the fiscal year ending September 30, 1989.

Also:

H. 262. To provide for a supplemental appropriation to the Department of Economic and Community Affairs (ADECA), for the Planning Program for the period ending September 30, 1988, in the amount of \$300,000.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 234. To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama and the United Cerebral Palsy Development Center for East Central Alabama and from the State General Fund for the Simpson-May Cerebral Palsy Center for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 242. To make an appropriation from the State General Fund for the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 248. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1989, and to require an operations plan prior to release of any funds.

Also:

H. 1001. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1989, for educational purposes.

Also:

H. 1011. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 1000, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuit	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays: —0

FURTHER CONSIDERATION OF H. B. 1000

The Senate proceeded to further consideration of the Bill, H. B. 1000.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1000, to-wit:

AMENDMENT TO H. B. 1000

Amend House Bill 1000, Page 1, Lines 6 & 16, by inserting after the word "Landmarks" the following, "the Cherokee County Museum \$5,000 and the Chambers County Historical Museum Authority \$5,000".

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Further amend on Page 1, Line 22, after the “.” by inserting the following new sentence: “There is hereby appropriated to the Cherokee County Museum the sum of five thousand dollars (\$5,000) and to the Chambers County Historical Museum Authority the sum of five thousand (\$5,000) dollars from the State General Fund for the fiscal year ending September 30, 1989.”

On motion of Senator Bailey, said amendment was laid on the table.

And said Bill, H. B. 1000, was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Horn, B. I. R., H. B. 227, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

FURTHER CONSIDERATION OF H. B. 227

The Senate proceeded to further consideration of the Bill, H. B. 227.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 227

Amend House Bill 227, on Page 1, by striking line 23 in its entirety and substituting in lieu thereof the following:

“the sum seventy-five thousand dollars (\$75,000).”

On motion of Senator Horn, said amendment was laid on the table.

And said Bill, H. B. 227, was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Menton	
Amari	Campbell	Hale	Mitchem	
Bailey	Corbett	Hand	Preuitt	
Barron	deGraffenried	Hilliard	Rice	
Bedford	Drinkard	Holmes	Sanders	
Bedsole	Ellis	Horn	Smith (B)	
Bennett	Figures	Langford	Smith (J)	
Bishop	Foshee	Manley		—30

Nays:

—0

RESOLUTIONS

Senators Drinkard and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

WHEREAS, the Alabama Legislature has been restricted in its appropriations process as a result of recent court rulings, during the midst of the current Regular Session, which further defined the scope of legislative operation with respect to Sections 45 and 71 of the Constitution of 1901, as amended, and this has occurred during the time of severe federal cutbacks of funding heretofore available for state government; and

WHEREAS, we find that there is an urgency to resolve the funding crisis, resulting from the problems now facing this body and the state prior to the 1989 Regular Session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Joint Interim Study Committee on the Funding Process, to be composed of the Lieutenant Governor and the Speaker of the House, as ex officio members, and they shall appoint from their respective bodies five members of the Senate and five members of the House of Representatives, which five members shall include the chairman of the Finance and Taxation Committee and the chairman of the House Ways and Means Committee.

RESOLVED FURTHER, That the Speaker of the House and the Lieutenant Governor shall each name a member from among their respective appointees to serve as joint co-chairmen. Such co-chairmen shall call, organize and preside over the meetings and the committee shall determine its own rules of procedure necessary to conduct its business.

BE IT FURTHER RESOLVED, That the committee shall be charged with studying the issues and resolving the problems of the restrictions on the budgetary process related to Sections 45 and 71 of the Constitution of 1901, as these relate to appropriations and other budgetary matters and the legislative process. The committee shall look at the dedication requirements, the sources of available funding and required revenues and the activity properly from certain funds, as well as the efficiency of the appropriations process and all facets related thereto, and shall make recommendations, with solutions, for the efficient and orderly funding of state government, including

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all functions attendant thereto and the proper legislative process to accomplish such ends, including proposals for constitutional amendments where necessary. Such report shall be made to the members of the Legislature no later than the first day of the first meeting of the Legislative Budget Committee, whereupon such committee shall stand discharged and dissolved.

BE IT FURTHER RESOLVED, That the committee is authorized to call upon or employ knowledgeable state officials and employees, academic and legal personnel and other professionals or experts, within or without state government, as it deems necessary to accomplish its purposes. The expenses incurred for studies, experts, professionals and others shall be paid from funds appropriated to the use of the Legislature. Each legislative member shall be entitled to the usual legislative pay, travel expenses and per diem for each day he or she spends in attending such committee meetings, except for days otherwise paid for legislative business. Such expenses shall not exceed \$15,000 per year.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 227. COMMENDING THE ALBERTVILLE HIGH SCHOOL VARSITY CHEERLEADERS AND THEIR SPONSOR, WANDA HOWARD.

Which was filed.

FURTHER CONSIDERATION OF H. B. 747

The Senate proceeded to further consideration of the Bill:

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addition and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as _____ Bill No. _____, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds

of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

The question was on the Committee substitute, which said substitute is set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

Senator Bedford offered the following substitute No. 3 for the Committee Substitute for the Bill, H. B. 747, to-wit:

**SUBSTITUTE NO. 3 FOR COMMITTEE SUBSTITUTE FOR
H. B. 747**

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds, providing that capital outlay projects be subject to the approval of the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama, 1975; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The legislature hereby finds and declares that it is necessary, desirable and in the public interest that additional facilities be made available

in this state for mental health purposes. It is the intention of the legislature by the passage of this act to authorize the formation of a public corporation for the purposes of providing for the acquisition, construction, improvement and equipment of the mental health facilities (including improvements to existing facilities), and to authorize the said corporation, in order to provide for payment of the costs of the said facilities, to anticipate the proceeds of that portion of a special state tax (originally levied by Act No. 275, adopted at the 1967 Regular Session of the Legislature of Alabama), that was levied for mental health purposes by the issuance of the bonds of the said corporation payable solely from the proceeds of the said tax.

Section 2. The following terms hereafter used in this act shall have the following respective meanings:

“Authority” means the public corporation organized pursuant to the provisions of this act.

“Bonds” means the bonds issued under the provisions of this act.

“Commissioner” means the Commissioner of Mental Health and Mental Retardation.

“Community facilities” means facilities operated by regional community mental health board established pursuant to section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens and community substance abuse programs certified by the Alabama Department of Mental Health and Mental Retardation that provide services for the treatment and care of individuals with mental or emotional illnesses, mental retardation, alcoholism or drug addiction.

“Department” means the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975.

“Directors” means the Board of Directors of the Authority.

“Mental health facilities” means any one or more of the following: hospitals and other facilities of any kind for treatment and care of the mentally ill and mentally retarded; regional or community-based mental health centers; regional or community-based facilities for treatment and care of the mentally ill or the mentally retarded; regional or community-based centers for the treatment of alcoholism or drug addiction; and improvements to existing state hospitals or other facilities for the treatment and care of the mentally ill and the mentally retarded.

“Legislative Oversight Commission” or “Oversight Commission” means the mental health capital outlay oversight commission created in Section 22-50-25 of the Code of Alabama 1975.

“Permitted Investments” means United States Securities, certificates of deposit fully secured by United States Securities and shall include investments in such obligations of the United States of America or its agencies under a repurchase agreement.

“United States Securities” means direct general obligations of the United States of America (including obligations of the state and local government series) and the obligations of any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof, the bonds,

debentures, participation certificates or notes of which are unconditionally guaranteed by the United States of America.

The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or the plural. Any pronoun or pronouns used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 3. The corporation shall consist of the Governor, the commissioner of mental health and mental retardation, the Lieutenant Governor, the Speaker of the House, three members of the senate shall be appointed by the Lieutenant Governor and three members of the house shall be appointed by the Speaker of the House, and may become a public corporation with the powers hereinafter provided, by proceeding according to the provisions of Section 4 of this act.

Section 4. To become a corporation, the Governor, the commissioner of mental health and mental retardation, the Lieutenant Governor, the Speaker of the House, the three members of the senate appointed by the Lieutenant Governor and the three members of the house appointed by the Speaker of the House, shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the name, official designation, and official residence of each of the applicants; (b) the date on which each applicant was inducted or elected into office and the term of office of each applicant; (c) the name of the proposed corporation, which shall be the Alabama Mental Health Finance Authority; (d) the location of the principal office of the proposed corporation; and (e) any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgements to deeds. The Secretary of State shall examine the application and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

Section 5. When the application has been made, filed, and recorded as herein provided, the applicants shall constitute a public corporation under the name proposed in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation under the great seal of the state and shall record the certificate with the application. No fees or compensation shall be paid to the Secretary of State for any service rendered or work performed in connection with the Authority, its incorporation, dissolution or records.

Section 6. The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The president of the Authority shall be elected by the members of said authority, the Commissioner shall be the vice president thereof, and the Director of Finance shall be the secretary thereof. The State Treasurer shall be treasurer of the Authority, shall act as custodian of the funds of the Authority, and shall pay the principal of and interest on the bonds of the Authority out of the funds hereinafter provided for; provided, that the State Treasurer may designate one or more banks either within or without the state as the paying agent with respect to any series of bonds issued under this act. The members of the Authority shall constitute all the members of the board of directors of the Authority, and the presence of any three members of the directors shall constitute a quorum for the transaction of business. Should

any person holding any office named in this section cease to hold office by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor in office shall take his place as a member and officer of the Authority. No member, officer, or director of the Authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the Authority. All proceedings had and done by the directors shall be reduced to writing by the secretary of the Authority, shall be signed by each of the directors, and shall then be recorded in a substantially bound book, which shall be kept in the office of the director of finance. Copies of such proceedings, when certified by the Secretary of the Authority, under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The board of directors of the Authority shall meet at such times and upon such notice as it shall determine.

Section 7. The Authority shall have the following powers among others specified in this act:

(1) To have succession by its corporate name until dissolved as provided in this act;

(2) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto:

(3) To have and to use a corporate seal and to alter the same at pleasure;

(4) To make and alter all needful bylaws, rules and regulations for the transaction of the Authority's business and the control of its property and affairs;

(5) To provide for the acquisition, construction, installation, equipping, operation and maintenance of mental health facilities, including the equipping and improvement of existing mental health facilities, provided that capital outlay projects be subject to approval by the mental health capital outlay oversight commission as established by section 22-50-25, Code of Alabama 1975;

(6) To receive, take and hold by sale, gift, lease, devise or otherwise, real and personal property of every description, and to manage the same;

(7) To acquire by purchase, gift, or any other lawful means, and to transfer, convey or cause to be conveyed to the state, any real, personal or mixed property;

(8) To borrow money and issue its bonds in evidence thereof subject to the provisions of this act;

(9) To anticipate by the issuance of its bonds the receipt of the revenues herein appropriated and pledged, all in the manner hereinafter provided;

(10) As security for payment of the principal of and the interest on its bonds, to pledge the proceeds of the appropriation and pledge herein provided for any funds or revenues from which its bonds may be made payable and to arrange for and provide such additional security for its bonds, including letters of credit, bond insurance policies, surety bonds, all as the board of directors shall determine to be necessary or desirable;

(11) To make and enter into such contracts, leases, agreements and other actions as may be necessary or desirable to accomplish any corporate

purpose and to exercise any power necessary for the accomplishment of the purposes of the Authority or incidental to the powers expressly set out herein. It being further provided that 10% of the business resulting from any such contracts, leases, agreements and other actions shall be awarded to minorities; and

(12) To appoint and employ such attorneys, accountants, financial advisors, underwriters, trustees, depositories, registrars, fiscal agents and other advisors, agents and independent contractors as may, in the judgment of the directors, be necessary or desirable; provided that in selecting and engaging the services of such attorneys (including, without limitation, bond counsel and counsel to the Authority), accountants, financial advisors, underwriters and other advisors, agents or contractors, whether in connection with an issue or series of bonds or any ongoing matters of the Authority, the Authority shall in every case request proposals from qualified parties offering such services by publishing a request for proposals once a week for two consecutive weeks in the Wall Street Journal published in the City of New York, New York, shall fully and fairly review all of such proposals, and shall award such engagement to the proposing party in each case whose proposal is most advantageous to the state, taking into consideration experience, expertise, suitability, cost and other factors designated in the request for proposals. Each of these criteria shall be given relative weight as designated in the request for proposals, with cost retaining the most significant weight. Responsiveness to the request for proposals shall be scored by the Authority for each of the designated criteria.

Section 8. For the purpose of acquiring, constructing, installing and equipping mental health facilities, the Authority is hereby authorized to issue and sell from time to time its bonds, which bonds may be in the form of interest-bearing bonds or noninterest-bearing bonds. The aggregate principal amount of bonds issued under this act shall (other than refunding bonds) not exceed one hundred million dollars (\$100,000,000). Provided, however, that the proceeds from the bonds issued under the provisions of this Act shall not be utilized for the construction, installing or equipping of community crisis stabilization units unless there are no available existing hospital beds that can be leased for said purposes within the community where such facility is to be operated.

Section 9. The bonds, which may be issued in one or more series, shall be in such forms and denominations and of such tenor and maturities, shall, if issued as interest-bearing bonds, bear such rate or rates of interest payable and evidenced in such manner, shall be payable in such installments, at such time or times and at such place or places, and may contain other provisions not inconsistent with this act, all as may be provided in the resolution or resolutions of the directors wherein the bonds are authorized to be issued; provided, that none of the bonds shall have a specified maturity date later than thirty years after its date. The Authority may at its election retain in the resolution or resolutions under which any of the bonds are issued an option to redeem all or any thereof and at such redemption price or prices and after such notice or notices and on such dates and on such terms and conditions as may be set forth in said resolution or resolutions and as may be briefly recited in the bonds with respect to which such option of redemption is retained.

Section 10. The bonds shall be signed by the president of the Authority and attested by its secretary; provided, that a facsimile of the signatures of both of said officers may be printed or otherwise reproduced on any of the

bonds in lieu of their being manually signed if the proceedings under which the bonds are issued provides for the manual authentication of such bonds by officers or employees of the state designated by the Authority. The seal of the Authority shall be impressed on the bonds; provided, that a facsimile of said seal may be printed or otherwise reproduced on any of the bonds in lieu of being manually impressed thereon. Delivery of bonds so executed shall be valid notwithstanding any changes in officers subsequent to the signing of such bonds.

Fifty percent (50%) of the bonds issued under the provisions of this act shall be designated for community mental illness, mental retardation, and substance abuse facilities operated by regional community mental health boards established under section 22-51-2, Code of Alabama 1975, community mental health centers, associations for retarded citizens, and/or community substance abuse programs, all of which must be certified by the Alabama Department of Mental Health and Mental Retardation. Such community facilities may include, but shall not be limited to, those community facilities identified in the Department of Mental Health and Mental Retardation's Capital Construction Plan.

Section 11. Each series of the bonds may be sold at such price or prices and at such time or times as the directors may determine and may be sold at either public or private sale. In the event any bonds are sold at public sale, either on sealed bids or at public auction, such bonds must be sold to the bidder whose bid reflects the lowest total net interest cost to the Authority for the bonds being sold, computed from the date of those at the time being sold to their respective maturities; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of the sale of any bonds at public sale shall be given either (a) by publication in either a financial journal or a financial newspaper published in the City of New York, New York, or (b) by publication in a newspaper published in the state which is customarily published not less often than six days during each calendar week, which notice must be published at least one time not less than ten days prior to the date fixed for the sale. The Authority may fix the terms and conditions under which sale of bonds may be held. The Authority may pay out of the proceeds from the sale of the bonds all expenses, fees, premiums, discounts, insurance premiums and commissions and letters of credit or other credit enhancement fees as the directors may deem necessary or advantageous. Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds. All bonds issued by the Authority shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive evidence that the said bonds have been duly authorized pursuant to the provisions of this act.

Section 12. The bonds shall not be general obligations of the Authority but shall be payable solely out of the funds appropriated and pledged therefor in Section 16 of this act. As security for the payment of the principal of and interest on the bonds issued by it under this act, the Authority is hereby authorized and empowered to pledge for payment of the said principal and interest the funds that are appropriated and pledged in Section 16 of this act for payment of the said principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All bonds issued by the Authority pursuant to the provisions of this act shall be solely and exclusively obligations of the Authority and shall not be an obligation or debt of the state. The

bonds shall be construed to be negotiable instruments although payable solely from a specified source as herein provided.

Section 13. The bonds and the income therefrom shall be exempt from all taxation in the state. Any of the bonds may be used by the holder thereof as security for the deposit of any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in any of the bonds.

Section 14. Any bonds issued by the Authority under this act may from time to time thereafter be refunded by the issuance of refunding bonds of the Authority. Any such refunding bonds may be issued whether the bonds to be refunded shall have been matured or shall thereafter mature, and such refunding may be effected either by the sale of the refunding bonds and the applications of the proceeds thereof to the payment or redemption of the bonds so refunded or by the exchange of the refunding bonds for those to be refunded thereby; provided, that the holders of any bonds so to be refunded shall not be compelled without their consent to surrender their bonds for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the Authority according to their terms. Any refunding bonds may be issued in such aggregate principal amount as the Authority shall deem necessary to effect such refunding. The proceeds derived from any sale of refunding bonds remaining after payment of the expenses of their issuance shall be applied in accordance with the proceedings of the Authority under which such refunding bonds are issued. Pending the application of said proceeds to the purchase, redemption or payment of such outstanding bonds, the said proceeds may be invested in permitted investments pursuant to a trust agreement providing for the future application of such proceeds to the purchase, redemption or payment of such outstanding bonds. Bonds refunded prior to their maturity with the proceeds of refunding bonds shall be deemed not outstanding if the Authority, in the proceedings under which such refunding bonds are issued, establishes a trust fund comprised of cash or permitted investments, or both, sufficient to pay in accordance with the provisions of such trust fund, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such government securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 16 hereof, shall no longer be obligations of the Authority and shall be secured solely by and payable from the moneys and investments deposited in such trust fund.

Section 15. The proceeds of the bonds, other than refunding bonds, remaining after paying the expenses of their sale and issuance shall be turned in to the state treasury, shall be carried in a special fund to be designated the Mental Health Facilities Building Fund, and shall be subject to be drawn on by the Authority for the purpose of paying costs of acquisition, construction, improvement and equipping of mental health facilities in the state.

For the purposes of this act, the improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment

thereof and the construction of additions thereof, and the construction of a facility shall be deemed to include the acquisition of real estate sites and equipment therefor. For the purposes of this act, equipment shall mean any item of personal property having an estimated useful life of at least ten years.

The preparation of all plans and specifications for any building, or capital improvements to a building, constructed wholly or in part with any of the proceeds from the sale of the bonds and all work done hereunder in constructing buildings and capital improvements thereto shall be supervised by the Alabama Building Commission, or any agency that may be designated by the Legislature as its successor. All work done in the construction of buildings and all purchases of equipment shall be made on the basis of competitive bidding in the manner provided by law. Any moneys remaining on deposit in the Mental Health Facilities Building Fund shall, upon completion of the acquisition and construction of mental health facilities and the payment of all costs in connection therewith, be applied either to redemption of bonds on the earliest date on which they are by their terms subject to redemption or otherwise utilized by the Authority in connection with the refunding of bonds.

Section 16. For the purpose of providing funds to enable the Authority to pay at their respective maturities and principal of and interest on any bonds issued by it under the provisions of this act and to accomplish the objects of this act, there are hereby irrevocably pledged to such purpose and there are hereby appropriated so much as may be necessary for such purpose of the receipts from the tax levied by Sections 40-25-2 and 40-25-41 and required to be distributed to the Authority in accordance with the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748. All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of (premium, if any) and interest on the bonds herein authorized.

Section 17. All contracts made, obligations incurred and bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create obligations or debts of the state.

Section 18. Any portion of the principal proceeds derived from the sale of the bonds which the board of directors may determine is not then needed for any of the purposes for which the bonds are authorized to be issued shall, on order of the Authority, be invested by the state treasurer in permitted investments which mature at such time or times as the Authority shall direct. Any such investments may, at any time and from time to time on order of the Authority, be sold or otherwise converted by the state treasurer into cash. The income derived from any such investments shall be disbursed on order of the Authority for any purpose for which it may lawfully expend funds.

Section 19. The Authority shall be a nonprofit corporation, and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private entity.

Section 20. At any time when the bonds and other obligations of the Authority have been paid in full, the Authority may be dissolved upon the filing with the secretary of state and written statement for dissolution, reciting payment in full of all bonds and other obligations of the Authority and which shall be sworn to by each such member before an officer authorized to take acknowledgements to deeds. Upon the filing of said written statement

for dissolution, the authority shall cease and any property owned by it at the time of its dissolution shall pass to the state. The secretary of state shall file and record the written statement for dissolution in an appropriate book of record in his office, and shall make and issue, under the great seal of the state, a certificate that the Authority is dissolved, and shall record the said certificate with the written statement for dissolution.

Section 21. Out of the revenues appropriated and pledged in Section 16 of this act, the state treasurer is authorized and directed to pay the principal of and interest on the bonds at the respective maturities of the said principal and interest, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto. In the event that the state treasurer designates any bank as the paying agent with respect to any bonds, the state treasurer shall make available to such bank, not later than one business day prior to the date on which any principal of or interest on such bonds is due and payable, funds sufficient to pay such principal and interest due on such date.

Section 22. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 23. Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama, is hereby repealed.

Section 24. In the event any section, sentence, clause or provision of this act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this act, which shall continue effective.

Section 25. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1009. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1989, for educational purposes.

Also:

H. 239. To make an appropriation from the State General Fund for the Tri-Rivers Waterway Development Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 261. To make a supplemental appropriation of \$25,000 from the State General Fund to the Legislative Council for the fiscal year ending September 30, 1988.

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Also:

H. 1018. To make an appropriation from the State General Fund to the Lighthouse for the fiscal year ending September 30, 1989.

Also:

H. 933. To provide for the appropriation and allocation of \$130,000 from the General Fund for the 1987-88 fiscal year ending September 30, 1988 to the Alabama Department of Youth Services for juvenile probation officer salary supplement.

Also:

H. 899. To make a supplemental appropriation to the Department of Human Resources for the fiscal year ending September 30, 1988, from the following sources of funds: Pension Residue in the amount of \$298,050; Sales Tax for Food Stamps in the amount of \$1,319,770; Franchise Tax in the amount of \$182,180.

Also:

H. 762. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

Also:

H. 257. To make a supplemental appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 1008. To make an appropriation to the Alabama Firefighters' Personnel Standards and Education Commission for the fiscal year ending September 30, 1989 for educational purposes.

Also:

H. 226. To make an appropriation for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 1010. To make appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Program for the fiscal year ending September 30, 1989.

Also:

H. 1015. To make an appropriation to the Department of Finance for the Telephone Revolving Fund for the fiscal year ending September 30, 1989, for educational purposes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 283. Relating to the establishment of the Alabama Impaired Physicians Committee, to provide that the State Board of Medical Examiners shall have the duty and obligation to promote early identification, intervention, treatment and rehabilitation of physicians and osteopaths impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances or as a result of any physical or mental condition; to define the term impaired; to authorize the State Board of Medical Examiners to contract with any non-profit corporation or medical professional association for the creation of the Alabama Impaired Physicians Committee; to provide for the functions and responsibilities of the committee under a contract between the State Board of Medical Examiners and a non-profit corporation or medical professional association; to prescribe procedures for the reporting of information from the Alabama Impaired Physicians Committee to the State Board of Medical Examiners; to prescribe that a physician or osteopath serving as a member of the Alabama Impaired Physicians Committee shall not be liable to any person for any claim for damages as a result of any decision, opinion, investigation or action taken as a member of the Alabama Impaired Physicians Committee; to provide that a non-profit corporation or medical professional association shall not be liable to any person for damages for any action taken by the Alabama Impaired Physicians Committee or any member thereof; to provide that all information, interviews, reports, statements, memorandum or other documents furnished to or produced by the Alabama Impaired Physicians Committee and any findings, conclusions, recommendations or reports of such committee shall be privileged and confidential and shall not be considered public records nor available for court subpoena or for discovery proceedings; to provide that the Alabama Impaired Physicians Committee shall render annual reports to the State Board of Medical Examiners and shall report any physician or osteopath currently in the need of intervention, treatment, or rehabilitation who has failed or refused participation in programs of treatment or rehabilitation recommended by the Committee; to provide that a report to the Alabama Impaired Physicians Committee shall deem to be a report to the Board of Medical Examiners for the purpose of any mandated reporting of physician impairment otherwise provided for by law; to provide that where the Board of Medical Examiners has cause to believe a physician or osteopath is impaired, the Board may cause an evaluation of such physician or osteopath to be conducted by the Alabama Impaired Physicians Committee; to provide for the severability of the provisions of this Act; to provide for the repeal of all laws in conflict with this Act; and to provide an effective date for this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 747

The Senate proceeded to further consideration of the Bill, H. B. 747. The question was on the Bedford substitute No. 3 for the Committee substitute.

Senator deGraffenried moved that said substitute be laid on the table, which motion was lost.

Yeas 13; Nays 19.

Yeas:

Senators:	Denton	Hand	Mitchem	
Bedsole	Ellis	Manley	Rice	
Cabaniss	Goodwin	Menton	Smith (B)	
deGraffenried	Hale			—13

Nays:

Senators:	Bennett	Figures	Langford	
Amari	Bishop	Foshee	Parsons	
Bailey	Campbell	Hilliard	Preuitt	
Barron	Corbett	Holmes	Sanders	
Bedford	Drinkard	Horn	Smith (J)	—19

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

Also:

S. 665. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

Also:

S. 668. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 610. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 181. To amend Section 5-3A-9, Code of Alabama 1975, which prohibits banking department employees from borrowing money from state banks so as to limit the prohibition to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 140. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 10. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 673. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions of all purposes in connection herewith; to provide penalties for violation of its provisions.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 514. To provide that any Class 8 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Also:

S. 515. To provide that any Class 7 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 666. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

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Also:

S. 667. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

S. 672. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 257. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Also:

S. 663. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 591. Relating to Fayette County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 592. Relating to DeKalb County; authorizing the County Board of Health to designate the services rendered by the County Board of Health for which a reasonable fee may be charged and set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

Also:

S. 607. To permit banks now or hereafter situated in Marshall County to establish, maintain and operate branch banks and branch offices within the limits of such county, except within the city limits of incorporated municipalities having a population of 5,000 or less in accord with the present or any subsequent federal decennial census and in which a bank is already established, to authorize the conduct of a general banking and trust business at such locations; and to repeal conflicting laws.

Also:

S. 618. To authorize the Marshall County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 747

The Senate proceeded to further consideration of the Bill, H. B. 747. The question was on the Bedford substitute No. 3 for the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1000. To make an appropriation of \$15,313 from the State General Fund to Dothan Landmarks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 321. Relating to water quality and protection; authorizing the Alabama Department of Environmental Management to establish a regulatory program for underground storage tanks and to establish a state program to protect wellhead areas of public water supply systems from contaminants which may have an adverse effect on the health of persons; prescribing penalties for violations of this act and authorizing said Department to promulgate rules and regulations to carry out the purposes of this act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 747

The Senate proceeded to further consideration of the Bill, H. B. 747. The question was on the Bedford substitute No. 3 for the Committee substitute.

And said substitute was then lost.

The question recurred on the Committee substitute for the Bill, H. B. 747.

On motion of Senator deGraffenried, said substitute was laid on the table.

Senator deGraffenried then offered the following amendment to the Bill, H. B. 747, to-wit:

AMENDMENT TO H. B. 747

Amend House Bill 747 on Page 2, line 24, by inserting in the first blank the word "House" and by inserting in the second blank the number "748".

Further amend House Bill 747 on Page 13, line 31, by inserting in the blank the word "House" and on line 32 by inserting in the blank the number "748".

Which was adopted.

Yeas 31; Nays 1.

Yeas:

Senators:	Campbell	Foshee	Menton	
Amari	Corbett	Goodwin	Mitchem	
Bailey	deGraffenried	Hale	Parsons	
Barron	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Drinkard	Holmes	Sanders	
Bishop	Ellis	Langford	Smith (B)	
Cabaniss	Figures	Manley	Smith (J)	—31

Nay: Senator Bedford —1

Senator Parsons offered the following amendment to the Bill, H. B. 747, as amended, to-wit:

AMENDMENT TO H. B. 747, AS AMENDED

Amend H. B. 747, Box Amendment #1 as follows: On pg. 1 on line 22 after the word "state" insert a period and delete the remainder of the Amendment through page one & 2 of the Box Amendment.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Manley	
Amari	Campbell	Foshee	Menton	
Bailey	Corbett	Goodwin	Mitchem	
Barron	deGraffenried	Hale	Parsons	
Bedford	Denton	Hand	Preuitt	
Bedsole	Dial	Hilliard	Rice	
Bennett	Drinkard	Holmes	Smith (B)	
Bishop	Ellis	Langford	Smith (J)	—31

Nays: —0

And said Bill, H. B. 747, as thus amended, was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Drinkard	Holmes	Sanders
Bennett	Ellis	Langford	Smith (B)
Bishop	Figures	Manley	Smith (J)
Cabaniss			

—32

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator deGraffenried requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator deGraffenried, B. I. R., H. B. 748, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 748. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as H Bill No. 747; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

was taken up.

The Standing Committee on State Development and Tourism reported the following amendment to the Bill, H. B. 748, to-wit:

AMENDMENT TO H. B. 748

Amend H. B. 748 on Page 4, line 28, by inserting after the word "as" the word "House" and after the word "No." the number "747".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

—29

Nays: —0

And said Bill, H. B. 748, as thus amended, was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Manley
Amari	Corbett	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Parsons
Bedford	Dial	Hilliard	Preuitt
Bedsole	Drinkard	Holmes	Rice
Bennett	Ellis	Horn	Smith (B)
Bishop	Figures	Langford	Smith (J)
Cabaniss			

—32

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 227. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of S. J. R. 256, 1983, the report of the Alabama Oil and Gas Study Committee was read and ordered filed with the Secretary.

REPORT FROM RULES

Senator Drinkard, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 149. EXPRESSING FURTHER LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661) AND ACT NO. 87-229, H. J. R. 312, REGULAR SESSION 1987, PROVIDING FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY, ALABAMA.

Also:

H. J. R. 479. COMMENDING THE HARTSELLE LADY TIGERS BASKETBALL TEAM ON ITS 1987-1988 CHAMPIONSHIP SEASON.

Also:

H. J. R. 119. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE ISSUE OF THE HOMELESS IN ALABAMA.

On motion of Senator Smith (J), said Resolutions were concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 297. COMMENDING THE REVEREND JESSE JACKSON IN HIS PRESIDENTIAL RACE.

Senator Smith (J) offered the following substitute for the Resolution, to-wit:

SUBSTITUTE FOR H. J. R. 297

H. J. R. 297. COMMENDING THE REVEREND JESSE JACKSON IN HIS PRESIDENTIAL RACE.

WHEREAS, the Reverend Jesse Jackson is a leading candidate for the democratic nomination for the presidency of the United States; and

WHEREAS, the Reverend Jesse Jackson currently has 30 percent of all popular votes at the present time; and

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WHEREAS, the Reverend Jesse Jackson has not only carried predominantly Black districts, but White districts as well; and

WHEREAS, the Reverend Jesse Jackson is concerned about the plight of all Americans regardless of race, creed or color; and

WHEREAS, the Reverend Jesse Jackson is one of the most knowledgeable men in the world concerning contemporary issues; and

WHEREAS, the Reverend Jesse Jackson is a native Southerner; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Reverend Jesse Jackson for his unprecedented showing in the various democratic primaries and caucuses that have been held in the United States; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend Jesse Jackson.

Which was adopted.

And on motion of Senator Smith (J), said Resolution, H. J. R. 297, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 403. MEMORIALIZING CONGRESS TO DESIGNATE ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES.

On motion of Senator Hilliard, further consideration of the Resolution, H. J. R. 403, was postponed temporarily.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 80. MOURNING THE DEATH OF PATRICIA HUDGINS MCMAHAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 16. DESIGNATING A CERTAIN ROAD IN JACKSON COUNTY AS THE "JOE ABBOTT DRIVE."

Also:

H. J. R. 322. MADISON COUNTY COMMISSION URGED NOT TO PAY FOR UNSPONSORED AND UNREQUESTED ADVERTISED BILLS.

Also:

H. J. R. 14. NAMING A PORTION OF HIGHWAY 280 IN TAL- LAPOOSA COUNTY, ALABAMA, "THE CAMP ASCCA/EASTER SEALS ALABAMA'S SPECIAL CAMP FOR THE DISABLED HIGHWAY."

On motion of Senator Smith (J), said Resolutions were concurred in and adopted by the Senate.

Senator Drinkard, Chairperson of the Standing Committee on Rules, then reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

The Standing Committee on Rules, then reported the following substitute for the Resolution, S. J. R. 226, to-wit:

SUBSTITUTE FOR S. J. R. 226

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

WHEREAS, the Alabama Legislature has been restricted in its appropriations process as a result of recent court rulings, during the midst of the current Regular Session, which further defined the scope of legislative operation with respect to Sections 45 and 71 of the Constitution of 1901, as amended, and this has occurred during the time of severe federal cutbacks of funding heretofore available for state government; and

WHEREAS, we find that there is an urgency to resolve the funding crisis, resulting from the problems now facing this body and the state prior to the 1989 Regular Session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Joint Interim Study Committee on the Funding Process, to be composed of the Lieutenant Governor and the Speaker of the House, as ex officio members, and they shall appoint from their respective bodies eight members of the Senate and eight members of the House of Representatives, which eight members shall include the chairman of the Finance and Taxation Committee and the chairman of the House Ways and Means Committee.

RESOLVED FURTHER, That the Speaker of the House and the Lieutenant Governor shall each name a member from among their respective appointees to serve as joint co-chairmen. Such co-chairmen shall call, organize and preside over the meetings and the committee shall determine its own rules of procedure necessary to conduct its business.

BE IT FURTHER RESOLVED, That the committee shall be charged with studying the issues and resolving the problems of the restrictions on the budgetary process related to Sections 45 and 71 of the Constitution of 1901, as these relate to appropriations and other budgetary matters and the legislative process. The committee shall look at the dedication requirements, the sources of available funding and required revenues and the activity properly from certain funds, as well as the efficiency of the appropriations process and all facets related thereto, and shall make recommendations, with solutions, for the efficient and orderly funding of state government, including all functions attendant thereto and the proper legislative process to accomplish such ends, including proposals for constitutional amendments where necessary. Such report shall be made to the members of the Legislature no later

than the first day of the first meeting of the Legislative Budget Committee, whereupon such committee shall stand discharged and dissolved.

BE IT FURTHER RESOLVED, That the committee is authorized to call upon or employ knowledgeable state officials and employees, academic and legal personnel and other professionals or experts, within or without state government, as it deems necessary to accomplish its purposes. The expenses incurred for studies, experts, professionals and other shall be paid from funds appropriated to the use of the Legislature. Each legislative member shall be entitled to the usual legislative pay, travel expenses and per diem for each day he or she spends in attending such committee meetings, except for days otherwise paid for legislative business. Such expenses shall not exceed \$15,000 per year.

Which was adopted.

And on motion of Senator Drinkard, said Resolution, S. J. R. 226, as thus amended by the substitute, was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Manley requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Manley, B. I. R., H. B. 461, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	deGraffenried	Hale	Mitchem
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Sanders
Bedsole	Drinkard	Horn	Smith (B)
Bennett	Ellis	Langford	Smith (J)
Bishop	Figures		

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Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 461. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 71. To further provide for seafoods and marine resources licenses in this state; to amend Section 9-12-119, Code of Alabama 1975, relating to issuance of licenses, so as to further provide for the issuance thereof, to increase the issuance fees, to specify that said issuance fees shall be in addition to the cost of licenses, to specify that the license fees shall be credited to the marine resources fund, and to provide for the return to the department of conservation and natural resources of unused licenses and stubs of licenses issued; to amend Section 9-12-82, Code of Alabama 1975, relating to "oyster catcher" licenses, so as to provide that the cost thereof shall be \$50.00; to repeal Section 9-12-84, Code of Alabama 1975; to amend Section 9-12-93, Code of Alabama 1975, relating to certain "shrimp boat" licenses, so as to increase fees and establish categories of license fees for residents, to further provide for use of recreational boats catching shrimp for certain purposes, to further provide for nonresident license fees, and to provide that license fees shall be deposited to the marine resources fund; to repeal Section 9-12-92, Code of Alabama 1975; to amend Section 9-12-113, Code of Alabama 1975, relating to certain commercial hook and line and net or seine licenses, so as to increase and further provide for resident license fees, to further provide for nonresident license fees, to provide certain exemptions for certain seines, to further provide for the possession of said licenses, to require certain nets and seines to bear a certain tag, to provide that certain nets and seines utilized in certain illegal manners shall be nuisances and subject to confiscation, to provide for the forfeit of certain nets and seines under certain circumstances, and to require the immediate return to waters of game fish taken by nets or seines pursuant to this code section; to provide for a certain recreational gill net license for a fee of \$50.00, and to prohibit the sale or barter or offer for sale or barter of fish taken pursuant to this license; to provide for and require a "crab catcher's" license for the taking of crabs for commercial purposes or the using by individuals for personal, noncommercial purposes of more than five (5) crab traps, to provide for a license fee of \$50.00, to provide for individual use of up to five (5) crab traps for personal, noncommercial purposes without said license, to require crab traps and commercial crab boats to display certain identifying markings, to prohibit the taking of crabs from traps of others without authorization, to provide for the deposit of license proceeds to the marine resources fund, to provide for a September 30 expiration date, and

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to provide penalties for the violation thereof; to provide for and require a "seafood dealer's" license, to define "seafood dealer", to provide for a license fee of \$125.00, to provide for certain exemptions, to prohibit certain restaurants and grocers from certain purchases of certain seafoods without said license, to provide for and require additional said licenses under certain circumstances, to provide from whom "seafood dealers" may purchase seafoods, to prohibit the sale of seafoods as provided for in this section without said license, and to provide penalties for the violation of this section; and to repeal sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91, 9-12-81 and 9-12-114, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Menton, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 71, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 71

Amend Senate Bill 71 on page 1, line 21 by striking the figure "\$50.00" and inserting in lieu thereof the figure "25.00".

Further amend Senate Bill 71 on page 3, line 28 by striking the figure "\$50.00" and inserting in lieu thereof the figure "25.00".

Further amend Senate Bill 71 on page 6, line 19 by striking the figure "\$50.00" and inserting in lieu thereof the figure "25.00".

Further amend Senate Bill 71 on page 7, lines 8 and 9 by striking the figures "\$75.00", "\$100.00", and "\$125.00" and inserting in lieu thereof the figures "\$50.00", "\$75.00" and "\$100.00" respectively.

Further amend Senate Bill 71 on page 7, line 30 by striking the figures "\$100.00" and "\$150.00" and inserting in lieu thereof the figures "25.00" and "100.00" respectively.

Further amend Senate Bill 71 on page 7, line 31 after the word "length," by striking the figure "\$200.00" and inserting in lieu thereof the figure "\$150.00".

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Manley	
Bennett	Denton	Hale	Menton	
Bishop	Drinkard	Hand	Preuitt	
Cabaniss	Ellis	Holmes	Rice	
Campbell	Foshee	Horn	Smith (J)	—19

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 185, adopted.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley	
Amari	Campbell	Goodwin	Menton	
Bailey	deGraffenried	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Sanders	
Bedsole	Drinkard	Horn	Smith (B)	
Bennett	Ellis	Langford	Smith (J)	
Bishop	Figures			—29

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 185. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Senators:	Denton	Hale	Menton	
Barron	Dial	Hand	Mitchem	
Bedford	Drinkard	Holmes	Preuitt	
Bennett	Ellis	Horn	Rice	
Cabaniss	Foshee	Langford	Smith (J)	
Corbett	Goodwin	Manley		—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the amendment proposed by His Excellency, the Governor, to the Resolution:

H. J. R. 26. REPEALING ACT NO. 302, H. J. R. 227, 1976, REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

by a vote of: Yeas 81, Nays 13, which was a majority of the whole number elected to the House.

And the House reconsidered the Resolution, H. J. R. 26.

And said Resolution, H. J. R. 26, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of Yeas 82, Nays 12, which was a majority of the whole number elected to the House.

And said Resolution, H. J. R. 26, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 26, without the Governor's signature and with a suggested Executive Amendment.

Done this 26th day of April, 1988.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 26, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NO. 26:

On page 1, line 2, delete the word **REPEALING** and in lieu thereof insert the following:

LIMITING AND RESTRICTING

On page 1, lines 9 through 11, delete the following:

~~BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That both houses
thereof concurring, That Act No. 302, HJR 227, 1976, Regular
Session, is hereby repealed.~~

On page 1, beginning on line 9, in lieu of the language deleted in the immediately preceding paragraph, substitute the following:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That the ap-
plication and request that the Congress of the United States
call a constitutional convention, pursuant to Article V of the
Constitution of the United States, contained in Act No. 302,
HJR 227, 1976, Regular Session, is hereby limited only to an
application and request for a constitutional convention for the

specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year and, further, if the Congress calls a constitutional convention which provides for or allows the consideration of any amendments other than that originally contemplated in Act No. 302, HJR 227, 1976, then the application and request for a constitutional convention contained in Act No. 302, HJR 227, 1976, is hereby automatically revoked, repealed, null and void without further action of the Alabama Legislature.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That if the Congress of the United States prepares and submits to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, then, in that event, the application and request to the Congress of the United States for a constitutional convention, as contained in Act No. 302, HJR 227, 1976, is automatically revoked, repealed, null and void without further action of the Alabama Legislature.

The adoption of the above suggested Executive Amendment will remove my objections to this House Joint Resolution No. 26.

Done on this the 26th day of April, 1988.

Respectfully,

GUY HUNT,
Governor.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Drinkard, the Senate reconsidered the Resolution, H. J. R. 26, the title of which is set out in the foregoing Message from the House.

And said Resolution, H. J. R. 26, was again concurred in adopted by the Senate, the Governor's objections to the contrary notwithstanding.

Yeas 27; Nays 2.

Yeas:

Senators:	Corbett	Hale	Menton	
Amari	Denton	Hand	Mitchem	
Barron	Dial	Hilliard	Parsons	
Bennett	Drinkard	Holmes	Preuitt	
Bishop	Figures	Horn	Rice	
Cabaniss	Foshee	Langford	Sanders	
Campbell	Goodwin	Manley	Smith (J)	—27

Nays:

Senators:	Bedsole	Ellis	—2
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which was a majority of the whole number elected to the Senate.

POINT OF PERSONAL PRIVILEGE

On motion of Senator Drinkard, the following communication from the State Attorney General was read and ordered spread upon the Journal:

April 28, 1988

Honorable Bill Drinkard
Alabama State House
Montgomery, AL 36130

Dear Senator Drinkard:

This letter is in response to your request of April 27 in regard to what legal role, if any, the Governor has in the call by the Alabama legislature to the United States Congress for a constitutional convention.

From a review of the United States Constitution, the constitution of the State of Alabama and Alabama law, the Governor appears to have no legal role.

According to the Constitution of the United States of America, Article V, "the Congress . . . on application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments . . ."

In Hawke v. Smith, 253 U.S. 231 (1920), the United States Supreme Court held that the term "legislatures" as used in Article V means the representative body itself. The court also stated that in the context of the ratification of a proposed amendment an "act" of the legislature is not required. When this opinion of the United States Supreme Court is compared to the opinion in Smiley v. Holm, 285 U.S. 355 (1932), it appears that the Supreme Court is saying that if the function involved is the making of state law then the Governor's participation is required, but if the making of state law is not involved then the Governor's participation is not required.

A resolution applying to the United States Congress for a constitutional convention does not require the making of state law, thus, the Governor's participation is not required.

Similarly, it should be noted that the United States Supreme Court has held that the President of the United States has nothing to do with the proposition of adoption of amendments to the United States Constitution. Hollingsworth v. Virginia, 3 U.S. 378 (1798).

In addition, it is clear that the Governor's signature on a resolution adds nothing to its legal significance in terms of a valid expression of legislative intent.

Furthermore, an analogous situation is the procedure under the 1901 Alabama Constitution for proposing amendments to Alabama's constitution. The Governor plays no role in this process other than the ministerial role of advertising the amendment prior to the referendum.

In addition, it is well settled, once a constitutional convention has been called, such convention has the legal authority to consider any issues, not just those for which the constitutional convention was called.

The United States Constitution does not address the issue of a withdrawal of an application calling for a constitutional convention, and I have found no cases that specifically address the issue; therefore, the validity of a

resolution of the legislature rescinding a previous resolution making application of the legislature to the United States Congress for a constitutional convention would be a matter to be answered by the United States Congress or a federal court of competent jurisdiction.

Once again, based upon the foregoing case law and the United States Constitution, it would appear that the Governor has no legal role whatsoever in the legislature's application to the United States Congress for a constitutional convention.

I hope that this sufficiently answers your question.

Sincerely,

DON SIEGELMAN.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 182. To grant state chartered banks the same powers, privileges and protection held by federally chartered banks, if approved by the state superintendent of banks.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Amari, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 182, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 182

Amend S. B. 182 on page 1, Section 1, line 31, by striking after the word "contrary" the period (.) and by inserting the following: , provided that nothing in this act shall nor is intended to allow for an increase or decrease of the current power and authority of a state bank to do business in the area of an insurance agency or insurance company, or of a real estate brokerage, management, syndication, or development company.

Yeas 28; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Manley
Amari	Campbell	Goodwin	Menton
Bailey	Corbett	Hale	Mitchem
Barron	Dial	Hand	Parsons
Bedford	Drinkard	Hilliard	Preuitt
Bedsole	Ellis	Holmes	Rice
Bennett	Figures	Horn	Smith (J)
Bishop			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 465. To amend Sections 41-10-20, 41-10-22, 41-10-26, and 41-10-27 of the Code of Alabama 1975, relating to the State Industrial Development Authority, so as to provide further for the composition of such authority, to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the state, subject to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Senator Goodwin moved that the Senate non-concur in the following House amendment to the Bill, S. B. 465, the title of which is set out in

the foregoing Message from the House, and request a Committee on Conference, to-wit:

HOUSE AMENDMENT TO S. B. 465

Amend S. B. 465 as substituted and amended on beginning on Page 4, line 19, by deleting Section 2 in its entirety and renumbering the sections which remain.

Also:

Amend Substitute for Senate Bill 465, Section 5, Page 10, Line 15, after the word "users." by striking the following:

~~The Legislature hereby specifically declares that this act shall not be interpreted or applied to permit the Authority to provide individual project financing of the kind provided by local industrial development boards and other local issuers of project revenue bonds.~~

Further amend Substitute for Senate Bill 465, Section 6, Page 12, Lines 3 and 6, by substituting "five" for "ten" in Line 3 and by further substituting "five" for "ten" where it appears in Line 6.

Further amend Substitute for Senate Bill 465, Section 7, Page 12, Line 20 by deleting the following language: ~~provided further that no Project Obligations shall be issued other than in connection with a pool financing that provides funds for at least ten projects owned or operated by unrelated users or that, at the time such pool financing is structured, is expected to provide funds for at least ten projects owned or operated by unrelated users;~~ and substituting in lieu thereof the following:

provided further that no Project Obligations shall be issued other than in connection with a pool financing that provides funds for at least five projects owned or operated by unrelated users or that, at the time such pool financing is structured, is expected to provide funds for at least five projects owned or operated by unrelated users, it being herein provided that the expectations of the Authority with respect to the number of projects to be funded by any pool financing and the relationships among the users of such projects may be conclusively established by resolution of the board of directors of the Authority adopted in connection with the issuance of the Project Obligations for such pool financing;

Also:

A BILL TO BE ENTITLED AN ACT

To amend Sections 41-10-20, 41-10-25, 41-10-26, and 41-10-27 of the Code of Alabama 1975, relating to the State Industrial Development Authority, so as to provide further for the compensation of the board of directors of the Authority; to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects on

a pooled or consolidated basis; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the State, subject to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; to designate the President of the Authority or his delegate as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-10-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 41-10-20.

"When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

"(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

"(3) **BONDS.** The bonds issued under the provisions of this article.

"(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local laws, or general acts of local application, if such authority governs an airport operated by a county

and at least one municipality therein jointly, to which a grant of money is made as provided in section 41-10-26.

“(5) INDUSTRIAL SITES. Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

“(6) NOMINAL TRANSFEREE. Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

“(7) PERSON. Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

“(8) PREPARATION OF INDUSTRIAL SITES. The grading and draining of industrial sites and the means of access thereto.

“(9) STATE. The state of Alabama.

“(10) INFRASTRUCTURES. Access roads, rail spurs, and extensions of water, sewer and gas lines to serve industrial sites.”

Section 2. Section 41-10-25, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-25.

“(a) The applicants named in the application and their respective successors in office director of development of the Alabama development office, the commissioner of revenue, the director of finance, the lieutenant governor, the speaker of the house of representatives, one member of the state senate to be appointed by the lieutenant governor and one member of the state house of representatives to be appointed by the speaker of the house of representatives shall constitute the members of the authority. The director of development of the Alabama development office ~~the state industrial development board~~ shall be the president of the authority, the commissioner of revenue shall be the vice-president thereof, and the director of finance shall be the secretary thereof. The state treasurer shall be treasurer of the authority, shall act as custodian of its funds and shall pay the principal of and interest on the bonds of the authority out of the funds provided for in this article. The members of the authority shall constitute all the members of the board of directors of the authority, and any ~~two~~ four members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reason of death, resignation, expiration of his term of office or for any other reason, then his successor in office shall take his place as an officer and member of the board of directors of the authority. The term of office of the senator initially appointed by the lieutenant governor and the representative initially appointed by the speaker of the house of representatives shall commence on the date of his appointment and shall terminate at the conclusion of the term of office which he was serving as a member of the legislature at the time of his appointment. Thereafter the term of office of each senator or representative appointed as a member of the authority shall coincide with his term of office as a member of the legislature. If at the expiration of the term of office of the speaker of the

house of representatives or any senator or representative appointed as a member of the authority, a successor to the speaker shall not have been elected by the house of representatives or a successor to any appointed member shall not have been appointed, then the speaker or such appointed member whose term of legislative office shall have expired shall continue to hold office as a member of the authority until their respective successors as members of the authority shall be selected. If at any time there shall be a vacancy of an appointed membership on the authority, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the officer who appointed the member whose position has been vacated. Any such appointed member of the authority shall be eligible for reappointment for successive terms without limitation. No officer or member of the board of directors of the authority shall draw any salary in addition to that now authorized by law for any service he may render or for any duty he may perform in connection with the authority; provided that each member of the authority shall be reimbursed for expenses actually incurred by him in and about the performance of his duties.

“(b) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least two members of the authority present at the proceedings and shall be recorded in a substantially bound book and filed in the office of the secretary of state. Copies of such proceedings, when certified by the secretary of the authority under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.”

Section 3. Section 41-10-26, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-26.

“The authority shall have the following powers:

“(1) To have succession by its corporate name until dissolved as provided in this article;

“(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided, that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

“(3) To have and to use a corporate seal and to alter the seal at pleasure;

“(4) To establish a fiscal year;

“(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

“(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

“(7) To make surveys to determine suitable locations in the state for prospective industries;

“(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational levels;

“(9) To assist counties, municipalities, local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application, if such authority governs an airport operated by a county and at least one municipality therein jointly, in the survey and analysis of their industrial resources and needs;

“(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to chapter 3 of Title 4, or whether created by general, special or local law, or general acts of local application if such authority governs an airport operated by a county and at least one municipality therein jointly, for the purposes and subject to the terms and conditions set forth in section 41-10-27; and

“(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers;

“(12) To make grants of money to grantees for infrastructures on a matching basis with a ratio requiring the grantee to provide at least 20% of the funds in cash or in ‘in kind’ contribution. Said matching requirement may be waived in whole or in part by the Authority, in its discretion, in cases of hardship or for just cause upon justification based on economic impact, cler public good, and inability of the grantee to provide such matching funds; and

“(13) To adopt in its discretion guidelines and standards for all grants.”

Section 4. Section 41-10-27, Code of Alabama 1975, is hereby amended to read as follows:

“§ 41-10-27.

“(a) The authority is hereby authorized from time to time to sell and issue its bonds, not exceeding \$2,600,000.00 in aggregate principal amounts, for the purpose of making the grants of money authorized in section 41-10-26; provided, however, that at the time of issuance of any such bonds, the aggregate annual debt service for such bonds and for all other outstanding bonds of the authority issued for the purpose of making grants authorized by section 41-10-26, shall not exceed 75% of the portion of the proceeds of the tax pledged for the payment of such bonds in section 41-10-30, based upon the collections of such tax during the most recent fiscal year of the state prior to the issuance of such bonds. The grantees may use the said grants authorized in the said section for the following purposes:

“(1) The making of surveys to determine the location of suitable industrial sites in the locality of the grantee;

“(2) The making of surveys to determine the availability of labor in the locality of the grantee and to classify such labor in terms of skills and educational level;

“(3) The preparation of industrial sites and the building or improvement of infrastructures; or

“(4) Any combination of any of the foregoing which the grantees consider appropriate and necessary for the promotion of industrial development in their respective localities.

“(b) Every grant of money made by the authority pursuant to section 41-10-26 shall be made subject to the following terms and conditions, which are hereby declared to be legally enforceable in any court of competent jurisdiction:

“(1) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in excess of one and one-half percent of the amount that it is anticipated will be spent for the construction and equipment of the facilities that will occupy the said industrial sites as such anticipated amount shall be certified to the authority by the architect or engineer for the facilities to be constructed and equipped or by the chief executive officer of the grantee, but in no event shall any grant exceed \$2,000,000;

“(2) No part of any such grant or grants shall be used with respect to the preparation of any industrial sites or any infrastructure in any case where any individual, private association or private corporation has received or is to receive an option to purchase such industrial sites or any part of any thereof from the grantee or any nominal transferee of the grantee for less than the fair market value of such industrial sites and infrastructures therefor;

“(3) The authority shall have power to audit the disbursements by the grantee from such grant or grants; and

“(4) Any other appropriate terms and conditions to facilitate the enforcement of the foregoing provisions of this subsection.”

Section 5. Legislative Intent With Respect to Additional Powers of the Authority.

The Legislature has found and determined that the economic well-being of the citizens of the State of Alabama will be enhanced by continued and increased industrial and commercial development of the state's resources. The Legislature has further found and determined that recent changes in the federal income tax treatment of interest on obligations issued by or on behalf of states and their political subdivisions have hindered the ability of local issuers of such obligations in the State of Alabama to achieve the goals of industrial and commercial development. It is the intention of the Legislature, by the adoption of this act, to authorize the State Industrial Development Authority to establish one or more programs of financing for industrial and commercial enterprises in the State of Alabama to serve as a complement to the means of financing currently provided by private financial institutions and by various public corporations. The Legislature intends that the powers herein granted to the Authority shall be in addition to those which it already possesses; provided, however, that nothing contained in this act shall be construed to authorize the Authority to issue its bonds or other obligations to provide financing for any industrial or commercial project on an individual basis or on a pooled or consolidated basis that provides funds for fewer than ten projects owned or operated by unrelated users or that, at the time such financing is structured, is expected to provide funds for fewer than ten projects owned or operated by unrelated users. The

Legislature hereby specifically declares that this act shall not be interpreted or applied to permit the Authority to provide individual project financing of the kind provided by local industrial development boards and other local issuers of project revenue bonds.

Section 6. Additional Definitions. In addition to the definitions contained in Section 41-10-20, Code of Alabama 1975, the following terms shall have the following meanings, respectively, when used in Sections 5 through 16 of this act, unless the context clearly requires otherwise:

(1) PROJECT.

a. Any land, building, machinery, equipment or other improvement, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be located in the state and shall be suitable for use by the following or by any combination of two or more thereof:

1. Any industry for the manufacturing, extraction, processing or assembling of any agricultural, manufactured or mineral products;

2. Any commercial enterprise in storing, warehousing, or distributing any products of agriculture, mining, or industry;

3. Any enterprise for the purpose of research in connection with:

(i) Any of the foregoing;

(ii) The development of new products or new processes;

(iii) The improvement of existing products or known processes; or

(iv) The development of facilities for the exploration of outer space or promotion of the national defense; and

4. Any industrial or commercial enterprise for the production or distribution of gas, water, telephone or other communication services; and

b. Any facility necessary or appropriate for use by any industry or enterprise of the character described in paragraph a. above, including, without limiting the generality of the foregoing:

1. Office facilities designed for use by any such industry or enterprise not only in connection with its operation in the state, but also for use by it as national, regional or divisional offices in the management and supervision of its manufacturing, extracting, processing, assembling, storing, warehousing, distributing, or research operations, wherever located; and

2. Facilities for or useful in the control, reduction, abatement or prevention of air, noise, water or general environmental pollution including, without limitation, any air pollution control facility, noise abatement or reduction facility, water management facility, water purification facility, waste water collection facility, waste water treatment facility or solid waste disposal facility.

(2) PROJECT OBLIGATION. Any bond, note, debenture, certificate, grant or revenue anticipation note, participation or other form of indebtedness issued by the Authority pursuant to Sections 5 through 16 of this act, subject to the limitation, as provided in subdivision (2) of Section 7 of this act, that no Project Obligations shall be issued other than in connection with a pool financing that provides funds for at least ten projects owned or operated

by unrelated users or that, at the time such pool financing is structured, is expected to provide funds for at least ten projects owned or operated by unrelated users.

Section 7. Additional Powers of Authority. In addition to the powers granted to it in Section 41-10-26, Code of Alabama 1975, the Authority shall have the following powers:

(1) To adopt and alter bylaws for the regulation and conduct of its affairs and business;

(2) To borrow money and to issue Project Obligations, whether or not the interest thereon is excluded from gross income for federal income tax purposes, and to provide for the rights of the purchasers or holders thereof; provided, however, that all Project Obligations issued hereunder shall be rated in one of the three highest ratings categories (without regard to any numerical or other modifiers) by Moody's Investors Service, Inc., or Standard and Poor's Corporation, or any other or successor national rating agency; provided further that no Project Obligations shall be issued other than in connection with a pool financing that provides funds for at least ten projects owned or operated by unrelated users or that, at the time such pool financing is structured, is expected to provide funds for at least ten projects owned or operated by unrelated users;

(3) To execute and deliver mortgages, security agreements and trust indentures for the purpose of securing its Project Obligations, and in connection therewith, to mortgage, pledge or assign the revenues, receipts and other property of the Authority received, and the contracts and agreements entered into by the Authority in connection with, the financing of Projects under Sections 5 through 16 of this act;

(4) To issue Project Obligations to provide financing of project herein authorized solely on a pooled or consolidated basis;

(5) To purchase promissory notes, mortgages, security interests or participations in promissory notes evidencing loans executed to provide financing for projects and to enter into contracts and agreements in that regard;

(6) To make loans to any person, corporation, partnership or other entity for the costs of planning, designing, financing, acquiring, constructing, reconstructing, improving, equipping and furnishing any project or any portion thereof, which loans may be evidenced or secured by loan agreements, notes, mortgages, security agreements, assignments, letters of credit, guaranties, surety bonds, insurance policies or such other instruments, or upon such terms and conditions as the Board of Directors shall determine to be reasonable. In entering into any such loan or other agreement, the Authority shall have the right and power to require the inclusion therein of such provisions or requirements for guaranties of obligations, insurance, construction, use, operation, maintenance, management and financing of a project, and such other terms and conditions, as the Authority may deem desirable and appropriate;

(7) To arrange for various forms of security or credit enhancement for its Project Obligations including letters of credit, guaranties, policies of insurance, surety bonds and the like;

(8) To sell mortgages and security interests at public or private sale, to negotiate modifications or alterations in mortgage and security interests, to foreclose on any mortgage or security interest in default or commence any

action to protect or enforce any right conferred upon it by any law, mortgage, security agreement, contract, or other agreement, and to bid for and purchase property which was the subject of such mortgage or security interest at any foreclosure or at any other sale, to acquire or take possession of any such property, and to exercise any and all rights as provided by law for the benefit or protection of the Authority or the holders of Project Obligations;

(9) To collect fees and charges in connection with its loans, Project Obligations, commitments and loan servicing, including, but not limited to, reimbursement of costs of financing, as the Authority shall determine to be reasonable and as shall be approved by the Authority;

(10) To make and execute contracts for the servicing of loans made by the Authority and mortgages acquired by the Authority and to pay the reasonable value of services rendered to the Authority pursuant to those contracts;

(11) To accept gifts, grants, loans, appropriations and other aid from the federal government, the state or any state agency, or any political subdivision of the state, or any person or corporation, foundation, or legal entity, and to agree to and comply with any conditions attached to federal and state financial assistance not inconsistent with the provisions of Sections 5 through 16 of this act;

(12) To invest moneys of the Authority not required for immediate use, including proceeds from the sale of any Project Obligations, in such manner as the Board of Directors shall determine, any other provision of law to the contrary notwithstanding;

(13) To establish accounts in one or more depositories;

(14) To appoint, employ, contract with and provide for the compensation of, such employees and agents, including engineers, attorneys, contractors, consultants, accountants, fiscal advisors, investment bankers and underwriters as the Board of Directors shall deem necessary or desirable for the conduct of the business of the Authority;

(15) To make, enter into and execute such contracts, agreements or other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power granted to it;

(16) To exercise any power granted by the laws of the state to public or private corporations which is not in conflict with the public purpose of this act; and

(17) To administer the allocation of the state ceiling for private activity bonds under Section 146 of the Internal Revenue Code of 1986, as amended.

Section 8. Project Obligations Generally.

(a) Issuance of Project Obligations. Subject to the provisions of Section 7(2) and other applicable provisions of this act relating to Project Obligations, the Authority is authorized and empowered to issue its Project Obligations from time to time to provide financing for projects solely on a pooled or consolidated basis for a series of related or unrelated projects, in such aggregate principal amount as the Board of Directors shall determine to be necessary to provide for the costs of the projects being financed and to pay the expenses of issuing the Project Obligations. Nothing herein contained shall be construed to require the Authority to identify the particular projects

to be financed prior to the issuance of the Project Obligations on a pooled or consolidated basis.

(b) Source of Payment. All Project Obligations issued by the Authority shall be limited obligations of the Authority payable solely from the revenues and receipts of the Authority derived from loans made from the proceeds of such Project Obligations, from incomes realized by the Authority under any mortgage or other security granted to the Authority, from amounts derived from any letter of credit, insurance policy or other form of credit enhancement applicable to the Project Obligations or the loans made from the proceeds thereof, from any reserve or other fund established for such purpose by the Authority and from earnings on the proceeds of Project Obligations invested by the Authority pending their disbursement. Project Obligations shall not be general obligations of the Authority, shall not be payable from any portion of the tax receipts pledged and appropriated to the Authority for payment of bonds issued under Article 2 of Chapter 10 of Title 41, Code of Alabama 1975, and shall not create a debt or obligation of the state.

(c) Pledge of revenues, receipts and other security. The principal of, premium, if any, and interest on any Project Obligations issued by the Authority shall be secured by a pledge of the revenues, receipts and other property out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the Authority from which the revenues or receipts so pledged may be derived.

The resolution of the Board of Directors under which the Project Obligations are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the collection and disposition of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default, all as the Board of Directors shall deem advisable. Any pledge made with respect to Project Obligations shall be valid and binding from the time such pledge is made; the revenues, receipts and other property so pledged shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and the lien of such pledge shall be valid and binding as against all parties having claims of any kind against the Authority irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Directors authorizing the Project Obligations nor any other instrument by which such pledge is created need be recorded. Nonetheless, the Authority may elect to have the provisions of the Alabama Uniform Commercial Code apply to any pledge made by or to the Authority to secure its Project Obligations by filing a financing statement or statements with respect to the security interested created by such pledge, notwithstanding the exclusion of Section 7-9-104(e) of the Code of Alabama 1975. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the Project Obligations of the Authority shall continue effective until the principal of and interest on the Project Obligations for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the Authority made as a part of the contract under which the Project Obligations

were issued, whether contained in the proceedings authorizing the Project Obligations or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(d) Execution. All Project Obligations issued by the Authority shall be signed by the President or the Vice President of the Authority and attested by its secretary or assistant secretary, and the seal of the Authority shall be affixed thereto, and interest coupons, if any, applicable to the Project Obligations of the Authority shall be signed by the President or the Vice President; provided, that all signatures of the said officers may be facsimile signatures, if the Authority, in its proceedings with respect to the issuance of the Project Obligations, provides for manual authentication of the Project Obligations by a trustee, paying agent or registrar or by named individuals who are employees of the state and who are assigned to the Finance Department or the office of the State Treasurer.

(e) General provisions respecting form, interest rate, maturities, sale and negotiability of Project Obligations. Project Obligations may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of Sections 5 through 16 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, or may bear no interest, as may be provided by resolution of the Board of Directors. Project Obligations of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Project Obligations, except those registered as to the principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority, shall be construed to be negotiable instruments although payable solely from a specified source.

(f) Eligibility for investment. Project Obligations of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 9. Proceeds from the Sale of Project Obligations; Revenues and Other Funds.

(a) After making adequate provision for the payment of the expenses of issuance, the Authority is authorized and empowered to use the proceeds of any Project Obligations, together with any other available funds, (i) to make loans, and to purchase notes, mortgages, security interests and loan participations as herein authorized; (ii) to pay interest on the Project Obligations until reserves are available in sufficient amounts for such purpose; and (iii) to find such reserves as the Authority deems necessary and desirable.

(b) Pending the application of the proceeds of Project Obligations to the purpose or purposes for which such Project Obligations were issued, such proceeds may be invested by the Authority in such manner, consistent with

the resolution pursuant to which such Project Obligations are issued, as the Board of Directors may deem advisable.

(c) Any and all revenues, receipts, investment earnings and other funds paid to, or otherwise coming into the possession of, the Authority as a result of financings accomplished from the proceeds of Project Obligations, shall be held, deposited, administered, invested and applied as provided in the resolution of the Board of Directors authorizing the issuance of such Project Obligations and in any trust indenture delivered in connection therewith, or otherwise as the Authority may direct, consistent with the provisions of such resolution and trust indenture.

Section 10. Refunding Obligations. Any Project Obligations issued by the Authority may from time to time be refunded by the sale or exchange of refunding bonds or obligations issued by the Authority and payable from the same or different sources for the purpose of paying all or any part of the principal of the Project Obligations to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Project Obligations that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Project Obligations to be refunded, any interest to accrue on each Project Obligation to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Project Obligations then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Project Obligations for such refunding. Any refunding bonds or obligations may be sold by the Authority at public or private sale at such price or prices as may be determined by the Board of Directors to be most advantageous, or may be exchanged for the Project Obligations to be refunded. Any such refunding bonds or obligations, may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of Sections 5 through 16 of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding bonds or obligations issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 8 of this act.

Section 11. Notice of Resolution; limitation on proceedings questioning or attacking obligations. Upon the adoption by the Board of Directors of the Authority of any resolution providing for the issuance of Project Obligations, the Authority may, in its discretion, cause to be published once a week for two consecutive weeks, in newspapers published or having a general circulation in the cities of Birmingham, Montgomery, Huntsville and Mobile, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the President or the Secretary of the Authority:

"State Industrial Development Authority, a public corporation under the laws of the State of Alabama, on the _____ day of _____, authorized the issuance of \$ _____ principal amount of bonds or other obligations of the said public corporation for purposes authorized in Title 41, Chapter 10, Article _____ of the Code of Alabama 1975. Any action or proceeding questioning the validity of the said bonds or other

obligations, the security thereof, the use of the proceeds thereof or the proceedings authorizing the same, must be commenced within 30 days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Project Obligations referred to in said notice or to contest the validity of any such Project Obligations, or the validity of security therefor, or the validity of the proposed use of the proceeds thereof, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking any of the foregoing shall be asserted, nor shall the validity of the said proceedings, Project Obligations, security or use of proceeds be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 12. Exemption from certain taxes and fees. The income and property of the Authority, all Project Obligations issued by the Authority and the interest paid on any such Project Obligations, all conveyances by or to the Authority, and all instruments by or to the Authority shall be exempt from all taxation in the state. The Authority shall also be exempt from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document.

Section 13. Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama 1975.

Section 14. Exemption from competitive bid laws. The Authority and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into.

Section 15. Freedom of the Authority from State Supervision and Control. Except as may be expressly provided in Sections 5 through 16 of this act, no proceeding, notice or approval shall be required for the issuance of any Project Obligations, the execution of any mortgage and deed of trust, trust indenture or other document or the exercise of any other of the powers of the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Project Obligations by the Authority. The Authority and all of its programs shall, however, be subject to audit by the Examiners of Public Accounts.

Section 16. Earnings of the Authority. The Authority is a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation.

Section 17. Legislative Findings and Intent With Respect to Allocation of the State Ceiling.

The Internal Revenue Code of 1986, as amended, imposes a "state ceiling" upon the aggregate principal amount of "private activity bonds" which may be issued in any calendar year by or on behalf of a state and its political subdivisions and instrumentalities, and establishes a method of allocating the available state ceiling within each state. Authority is granted by the Internal Revenue Code, however, to the states to provide for a different formula for allocation of the state ceiling. The Legislature has found and determined that the allocation method contained in the Internal Revenue

Code is ill-suited for the needs of the State of Alabama and that the provisions of Sections 17 through 26 of this act will result in a more equitable and efficient distribution of the state ceiling available to the state and will therefore promote the economic and industrial development of the state. It is the intent of the Legislature by the passage of such sections of this act to establish a method of allocation of the available state ceiling in the state for calendar year 1988, and thereafter and to delegate to the State Industrial Development Authority responsibility for the administration of the bond allocation plan established by Sections 17 through 26 of this act.

Section 18. Additional Definitions. Unless the context requires otherwise, the terms defined in this section shall have the following meanings, respectively, when used in Sections 17 through 26 of this act:

(1) **AFFECTED BOND.** Any obligation or portion thereof which is required under the terms of the Code to receive an allocation of a portion of the state ceiling as a condition for the exclusion of interest on such obligation from the gross income of the recipient thereof for federal income tax purposes.

(2) **ALLOCATION.** An allocation of a portion of the state ceiling issued by the Authority pursuant to the provisions of Sections 17 through 26 of this act.

(3) **APPLICATION.** An application for an allocation, submitted by an issuer under the provisions of Sections 17 through 26 of this act.

(4) **APPLICATION FOR CARRYFORWARD ALLOCATION.** Any application filed with the Authority seeking an elective carryforward of unused allocation for a "carryforward purpose" as defined in Section 146(f)(5) of the Code.

(5) **AUTHORITY.** The State Industrial Development Authority, a public corporation of the state, organized and existing under article 2 of chapter 10 of Title 41, Code of Alabama 1975 (Act No. 662, enacted at the 1965 Regular Session of the Legislature of Alabama).

(6) **CARRYFORWARD ALLOCATION.** An elective carryforward of a portion of the state ceiling for a "carryforward purpose" which may be granted by the Authority under the provisions of Sections 17 through 26 of this act and Section 146(f) of the Code.

(7) **CODE.** The Internal Revenue Code of 1986, as amended, including any successor provision to any Code section or subsection referred to herein.

(8) **EXEMPT FACILITY BOND.** Any obligation described as such in Section 142(a) of the Code, other than bonds the proceeds of which are to be used to provide airports or docks and wharves within the meaning of Sections 142(a)(1) and 142(a)(2), respectively, and includes any obligation issued to finance air and water pollution control facilities under the provisions of Section 103(b)(4)(F) of the Internal Revenue Code of 1954, as amended, to the extent permitted under any transitional or effective date provision of the Code.

(9) **ISSUER.** The state, any agency or instrumentality of the state and any county, municipality, public corporation or other entity authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(10) **LOCAL ISSUER.** Any issuer which is a county, municipality, public corporation organized by or pursuant to approval by a county or municipality

(or pursuant to approval by two or more counties or municipalities or both) or other entity whose obligations must be approved by a county or a municipality and which is authorized by or pursuant to the Constitution or laws of the state to issue Affected Bonds.

(11) **MANUFACTURING FACILITY.** Any facility which is used in the manufacturing or production of tangible personal property (including processing resulting in a change in the condition of such property), and includes any facility devoted to an activity described in Standard Industrial Classification (SIC) Code Major Groups 20 through 39, or to agricultural activities, and further includes office facilities related to the foregoing so long as such office facilities are located on the premises of the Manufacturing Facility to which they are related.

(12) **PRIVATE ACTIVITY BOND.** The same meaning as that specified for such term in Section 141(a) of the Code.

(13) **QUALIFIED MORTGAGE BOND.** The same meaning as that specified for such term in Section 143(a)(1)(A) of the Code.

(14) **QUALIFIED REDEVELOPMENT BOND.** The same meaning as that specified for such term in Section 144(c) of the Code.

(15) **QUALIFIED RESIDENTIAL RENTAL PROJECT:** The same meaning as that specified for such term in Section 142(d) of the Code.

(16) **QUALIFIED SMALL ISSUE BOND.** The same meaning as that specified for such term in Section 144(a) of the Code.

(17) **QUALIFIED STUDENT LOAN BOND.** The same meaning as that specified for such term in Section 144(b) of the Code.

(18) **STATE.** The State of Alabama.

(19) **STATE CEILING.** The maximum principal amount of Affected Bonds permitted to be issued in the state during a calendar year under the provisions of Section 146 of the Code. Under the provisions of the Code in effect on the date of adoption of this act, based upon the most recent estimate of the population of the state made by the Bureau of Census, the State Ceiling for calendar year 1988 is expected to be \$201,050,000. In the event that provisions of Section 146 of the Code are amended subsequent to the adoption of this act, or upon the publication by the Bureau of Census of revised estimates of the population of the state from time to time, the amount of the State Ceiling available for allocation hereunder shall be revised in accordance with the provisions of Section 146 of the Code.

Section 19. Allocation Procedure. Allocations of the State Ceiling shall be granted by the Authority in response to applications filed with the Authority by any issuer in the following manner:

(1) Each application shall be made by an instrument in writing signed by an officer of the issuer, or any agent of the issuer designated in a written authorization signed by an officer of the issuer, and shall contain (i) the names and addresses of the issuer, the proposed lessee, purchaser or user of the project to be financed (if applicable), the bond counsel, and the proposed underwriter or purchaser of the Affected Bonds proposed to be issued, (ii) the maximum principal amount of the Affected Bonds proposed to be issued, (iii) a brief description of the project to be financed, and (iv) a brief description of the Affected Bonds proposed to be issued, identifying such bonds as "Exempt Facility Bonds," "Qualified Mortgage Bonds," "Qualified Small Issue

Bonds" (and if "Qualified Small Issue Bonds," further indicating whether the project to be financed constitutes a Manufacturing Facility), "Qualified Student Loan Bonds," or "Qualified Redevelopment Bonds." In addition, a copy of the form of the notification, if any, that may be required by law to be filed with the Alabama Securities Commission prior to the issuance of the Affected Bonds which are the subject of the application shall also be filed with the Authority together with the application. Applications shall also include such other information as may be required by the Authority. All applications shall be mailed or otherwise delivered to the Authority at such address and in such manner as may be specified by the Authority.

(2) Each application and each request for an extension of an allocation shall be accompanied by an administrative fee in such amount as may be determined by the Authority, provided that such amount may not exceed one-twentieth of one percent (1/20%) of the principal amount of the Affected Bonds and in no event shall exceed \$500 with respect to a single issue of Affected Bonds.

(3) All applications shall be processed and all allocations shall be made by the Authority in accordance with the provisions of Sections 17 through 26 of this act.

(4) Each allocation of State Ceiling granted by the Authority prior to December 7 of any calendar year shall expire upon the earlier of (i) midnight of the day which is sixty (60) calendar days following the date of the allocation, or (ii) midnight on December 14 of the calendar year in which the allocation is made, unless a notification confirming issuance of the bonds has been received by the Authority as described in subdivision (5) below, subject to extension for such period as may be permitted at the discretion of the Authority for good cause shown. Any application which has expired may be renewed by resubmission of a new application. Any allocation granted by the Authority on or after December 7 of any year shall expire at such time as may be designated by the Authority in such allocation; provided that any such allocation shall not expire earlier than the earliest to occur of (i) 5:00 p.m., Central Standard Time, of the seventh calendar day following the date of such allocation or (ii) 5:00 p.m., Central Standard Time, on December 30 of such year; and provided further that on December 31 of each year the Authority shall grant allocations of all unused portions of the State Ceiling for such year, to the extent that there are pending applications therefor, in accordance with the formula set forth in Section 20 of this act. The foregoing provisions of this section shall not apply to carryforward allocations, which shall be effective for the period provided in Section 146(f)(3) of the Code.

(5) Every allocation shall be subject to the condition subsequent that a notification confirming the issuance of affected bonds pursuant to such allocation must be received in the office of the President of the Authority within such reasonable period of time following the date of issuance of the affected bonds as may be designated by the Authority. The confirmation required hereby may be executed by any officer, representative or agent of the issuer and shall be effective upon receipt at the office of the President of the Authority. Failure to provide a confirmation within the specified period shall authorize the Authority to revoke the allocation for which the confirmation is required; provided, however, that the Authority shall waive any such revocation upon a reasonable and timely showing of good cause for such failure or undue hardship that would be caused by the said revocation, and any such revocation shall be subject to review by a court of competent jurisdiction.

(6) On December 15 of each calendar year, any previously allocated portion of the State Ceiling for which a confirmation of issuance has not been received by the Authority as required by subdivision (5) above shall revert to the Authority, to be allocated along with any other portion of the State Ceiling then available, to issuers of Affected Bonds at the discretion of the Authority, subject to the duty of fairness and impartiality in the granting of allocations set forth in Section 21 of this act. Applications for allocations to be made on or after December 7 shall be submitted to the Authority in the manner required in subdivisions (1) and (2) above.

Section 20. Allocation Formula. The State Ceiling for calendar year 1988 (less such portion thereof, if any, as may be utilized in connection with the issuance of any Affected Bonds between January 1, 1988, and the effective date of this act) and each calendar year thereafter is hereby allocated in its entirety to the state, and after the effective date of this act no other governmental unit, issuer, or other entity of any type shall have or utilize any portion of the State Ceiling for such year except in accordance with the provisions of Sections 17 through 26 of this act. The State Ceiling shall be redistributed by the Authority to issuers of Affected Bonds in the chronological order of receipt of completed applications, subject to the limitations, reservations and further provisions of this section.

(1) There is hereby reserved for Alabama Housing Finance Authority twenty-five percent (25%) of the State Ceiling for each calendar year, to be used for the issuance of Exempt Facility Bonds for Qualified Residential Rental Projects and for the issuance of Qualified Mortgage Bonds, in such relative principal amounts as shall be determined by the Board of Directors of Alabama Housing Finance Authority. The reservation of State Ceiling hereby granted to Alabama Housing Finance Authority shall extend until December 14 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 14, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(2) There is hereby reserved for the Alabama Higher Education Loan Corporation ten percent (10%) of the State Ceiling for each calendar year, to be used for the issuance of Qualified Student Loan Bonds. The reservation of State Ceiling hereby granted to the Alabama Higher Education Loan Corporation shall extend until December 14 of each calendar year. Any portion thereof which shall remain unused as of 5:00 p.m., Central Standard Time, on December 14, shall revert to the Authority and shall be available for reallocation under subdivision (5) below.

(3) Subject to the provisions of subdivision (6) below, thirty-five percent (35%) of the State Ceiling for each calendar year is hereby reserved for issuers of Qualified Small Issue Bonds which are issued to finance Manufacturing Facilities.

(4) Subject to the provisions of subdivision (6) below, twenty percent (20%) of the State Ceiling for each calendar year is hereby reserved for issuers (other than Alabama Housing Finance Authority) of Exempt Facility Bonds.

(5) Subject to the duty of fairness and impartiality set forth in Section 21 of this act, the remaining ten percent (10%) of the State Ceiling for each calendar year not provided for in subdivisions (1), (2), (3), and (4) above, together with any amounts which shall revert to the Authority under subdivision (6) of Section 20 of this act or subdivisions (1) and (2) above, is

hereby reserved for the Authority, to be allocated to issuers of Affected Bonds in the sound discretion of the Authority.

(6) Subject to the duty of fairness and impartiality set forth in Section 21 of this act, should the Authority determine that inefficient use has been or is being made of any of the reservations contained in subdivisions (1), (2), (3) and (4) above, or should it determine for any other reason that such reservations are inappropriate, the Authority may, from time to time, reallocate all or any part of such reservations in accordance with subdivision (5) above.

Section 21. Duty of Fairness and Impartiality in Granting Allocations. Anything contained in this act to the contrary notwithstanding, the Authority shall have a duty to administer the state ceiling allocation program created in this act fairly and impartially. In making any decision entrusted to its discretion, including particularly the granting of allocations or the reallocation of portions of the state ceiling among categories of Affected Bonds, or the revocation or waiver of revocation of an allocation, the Authority shall give paramount importance to the fair, impartial and efficient discharge of its powers. Actions of the Authority shall be subject to review by a court of competent jurisdiction to assure adherence to such standards of fairness and impartiality, which court may grant such legal and equitable remedies as it may deem necessary in order to assure such adherence; provided, however, that no member or director of the Authority shall have any personal liability for the actions of the Authority in connection with the allocation program.

Section 22. Carryforward Allocation Procedure. Applications for Carryforward Allocations may be submitted to the Authority on or after December 15 of each calendar year. The Authority shall have discretion to grant such Carryforward Allocations, subject to the duty of fairness and impartiality set forth in Section 21 of this act, giving due regard to the likelihood of the use of the remaining State Ceiling prior to December 31 of such year, and shall use its best efforts to assure that any remaining and unallocated State Ceiling is used to satisfy applications for Carryforward Allocations.

Section 23. Rules, Policies, Regulations and Forms. The Authority may do all other things necessary or desirable to carry out the purpose of the provisions of Sections 17 through 26 of this act, including the establishment of fees to be paid with each application. The Authority is hereby empowered to adopt and promulgate such rules, policies, regulations and forms as it may deem necessary or desirable to carry out the purposes of the provisions of Sections 17 through 26 of this act. The Authority is hereby specifically authorized to adopt such rules and regulations, including rules and regulations limiting the principal amount of allocations to be granted to local issuers, as it may determine to be necessary or desirable to promote the fair and efficient distribution of the State Ceiling among local issuers. The Authority shall have the power to employ attorneys, agents or such other persons or entities as necessary to assist the Authority in the administration of its duties hereunder.

Section 24. Designation of Official for Certifications. The President of the Authority is hereby designated as the state official authorized to make the certifications required by Section 149(e)(2)(F) of the Code. In order to assure the prompt and efficient issuance of allocations, the President of the Authority shall from time to time designate in writing one or more delegates who may make such certifications.

Section 25. Notification of Bonds Issued Prior to Adoption of Sections 17 through 26. No later than thirty (30) days subsequent to the effective

date of this act, each issuer who has issued any Affected Bonds during the period from January 1, 1988, to the effective date of this act, shall provide a written notice to the Authority containing such information with respect to such Affected Bonds as the Authority may reasonably request.

Section 26. Confirmation of Prior Allocations. All allocations and carryforward allocations of State Ceiling applicable to the state made prior to the effective date of this act, pursuant to Executive Orders of the Governor of the state, and all allocations of State Ceiling made with respect to bonds for which a notification is properly filed with the Authority as required by Section 25, are hereby ratified and confirmed.

Section 27. Severability Clause. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 28. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Barron offered a substitute motion that the Senate concur in the House amendment to the Bill, S. B. 465.

On motion of Senator Goodwin, the motion to concur was laid on the table.

Yeas 19; Nays 10.

Yeas:

Senators:	Bishop	Foshee	Langford	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Hilliard	Parsons	
Bedford	Drinkard	Holmes	Preuitt	
Bennett	Figures	Horn	Sanders	—19

Nays:

Senators:	Cabaniss	Hale	Mitchem	
Barron	Dial	Hand	Rice	
Bedsole	Ellis	Manley		—10

The question recurred on the motion to non-concur in the House amendment to the Bill, S. B. 465, and request a Committee on Conference, which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Menton	
Bailey	Corbett	Hale	Mitchem	
Bedford	Denton	Hand	Parsons	
Bedsole	Dial	Hilliard	Preuitt	
Bennett	Drinkard	Holmes	Rice	
Bishop	Ellis	Langford	Sanders	
Cabaniss	Foshee	Manley		—26

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Senators Goodwin, Barron, and Menton.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1006. To make an appropriation from the Alabama Special Educational Trust Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 695. To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at a lower rate of six percent for onshore wells and four percent for offshore wells and to name the act.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 288. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees' Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health

facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize retired probate judges to solemnize marriages.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Goodwin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 9, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 9

Amend Senate Bill 9, in the Title on Page 1, Line 14, after the word "authorize" by adding the following:

certain

Also, amend Senate Bill 9, in the Title on Page 1, Line 14, by striking the following:

probate

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Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Hand	Mitchem
Amari	Denton	Hilliard	Parsons
Bailey	Dial	Holmes	Preuitt
Barron	Drinkard	Langford	Rice
Bedford	Ellis	Manley	Sanders
Bishop	Foshee	Menton	Smith (J)
Cabaniss	Goodwin		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 748. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as H Bill No. 747; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 209. MOURNING THE DEATH OF JOHN B. JOHNSON OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 215. COMMENDING ALICIA COLE OF WETUMPKA HIGH SCHOOL FOR EXTRAORDINARY ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Foshee requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Foshee, B. I. R., H. B. 573, adopted.

Yeas 27; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Manley	
Amari	Cabaniss	Goodwin	Menton	
Bailey	Campbell	Hale	Mitchem	
Barron	Denton	Hand	Preuitt	
Bedford	Dial	Hilliard	Rice	
Bedsole	Drinkard	Horn	Sanders	
Bennett	Ellis	Langford	Smith (J)	—27

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 573. To provide that all federal funds available to the state and designated for agricultural non-point source pollution control shall be directed to the state soil and water conservation committee by the governor.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the state soil and water conservation committee and soil and water conservation districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the state soil and water conservation committee and soil and water conservation districts administer this state cost-share program under the auspices of the Alabama agricultural and conservation development commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality non-point source program; now therefore,

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities, reported the following substitute for the Bill, H. B. 573, to-wit:

SUBSTITUTE FOR H. B. 573

**A BILL
TO BE ENTITLED
AN ACT**

To provide that all federal funds available to state agencies for financial assistance through cost-share grants to landusers for agricultural nonpoint source pollution control shall be directed to the State Soil and Water Conservation Committee and grants certain powers to the Committee to implement the provisions of this Act.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the State Soil and Water Conservation Committee and Soil and Water Conservation Districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the State Soil and Water Conservation Committee and Soil and Water Conservation Districts administer this state cost-share program under the auspices of the Alabama Agricultural and Conservation Development Commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality nonpoint source financial assistance program; now therefore,

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Alabama Agricultural Nonpoint Source Financial Assistance Act of 1988.

Section 2. Definition. For the purpose of this act the following words and phrases shall have the following meaning:

(1) Committee. The Alabama State Soil and Water Conservation Committee.

(2) Cost-Share Funds or Cost-Share Grants. Any federal financial assistance for landusers received by the Department or other state agencies to support implementation of agricultural nonpoint source pollution control. Such funds shall include Federal match and non-federal match funds.

(3) Department. The Alabama Department of Environmental Management.

(4) Landuser. Any person; individual, partnership, company, corporation or other legal entity who qualifies for the receipt of cost-share funds from the Alabama State Soil and Water Conservation Committee in accordance with all applicable rules, regulations or practices.

(5) Plan. The State Nonpoint Source Management Program for the control of discharges of pollution from nonpoint sources to waters of the State and for improving the quality of such waters as developed by the Department and approved by the Environmental Protection Agency pursuant to the provisions of the Federal Water Quality Act of 1987.

(6) Guidelines. Nonpoint Source Guidance adopted in December 1987, including any amendments thereto, by the Environmental Protection Agency in accordance with the Federal Water Quality Act of 1987.

Section 3. In order to further the efficient and effective administration of programs related to agricultural nonpoint sources of pollution it is hereby declared to be the intent of the legislature to have federal cost-sharing funds provided to the state and administered by state agencies for control of agricultural nonpoint sources of pollution through financial assistance or cost-share grants to landusers be administered by the Committee and Soil and Water Conservation Districts.

Section 4. All federal funds available to state agencies for financial assistance through cost-share grants to landusers for agricultural nonpoint source pollution control shall be administered by the Committee. State agencies other than the Committee which receive federal cost-share funds designated for use by agricultural operations to control associated nonpoint source pollution shall effect the necessary agreements to transfer these funds to the Committee. The Committee shall make application to the legislature for appropriation of state funds required to match such federal funds and for appropriation of other necessary state funds and shall coordinate the use of water quality financial assistance or cost-share funds to landusers with other state appropriated soil and water conservation funds and such federal funds made available for cost share programs.

Section 5. Any cost-share funds received by the Department for the control of all sources of nonpoint source pollution shall be disbursed in accordance with applicable laws, regulations, guidelines, and the plan.

Section 6. The overall state plan for nonpoint source pollution control shall establish priorities for all nonpoint source pollution control. The Committee shall administer agricultural non-point source pollution control cost-share grants to landusers in accordance with the priorities encompassed in the agricultural component of the plan developed for the state by the Department in cooperation with the Committee and approved by the Environmental Protection Agency. All information requested of the Committee shall be provided to the Department for use in reporting to the Environmental Protection Agency on the state's progress in water quality as it relates to agricultural nonpoint source pollution.

Section 7. The Department is the lead agency for the development of the state plan and for the regulation of all nonpoint source pollution as required by law. The Department is authorized to contract with other state agencies, to include the Committee, in the discharge of its regulatory responsibilities in the control of nonpoint source pollution.

Section 8. The Committee is hereby authorized to establish rules and regulations necessary to implement the provisions of this act and is also

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authorized to employ such personnel, one of which may be an unclassified employee whose salary shall be set by the Committee, upon availability of funds to carry out the Committee's functions under this act.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton
Bailey	Campbell	Goodwin	Mitchem
Barron	Corbett	Hale	Preuitt
Bedford	deGraffenried	Hand	Rice
Bedsole	Denton	Hilliard	Sanders
Bennett	Dial	Langford	Smith (J)
Bishop	Ellis	Manley	

—26

Nays: —0

And said Bill, H. B. 573, as thus amended by the substitute, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton
Bailey	Corbett	Goodwin	Mitchem
Barron	deGraffenried	Hale	Parsons
Bedford	Denton	Hand	Preuitt
Bedsole	Dial	Holmes	Rice
Bennett	Drinkard	Horn	Sanders
Bishop	Ellis	Langford	

—26

Nays: —0

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly engrossed, to-wit:

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

BILL DRINKARD,
Chairperson.

MOTION TO ADJOURN LOST

At 10:50 P.M., Senator Manley moved that the Senate adjourn until Thursday, May 5, 1988, at 12:02 A.M., which motion was lost.

Yeas 9; Nays 23.

Yeas:

Senators:	Cabaniss	Hale	Preuitt	
Barron	deGraffenried	Manley	Smith (J)	
Bedsole	Dial			—9

Nays:

Senators:	Campbell	Foshee	Langford	
Amari	Corbett	Goodwin	Menton	
Bailey	Denton	Hand	Mitchem	
Bedford	Drinkard	Hilliard	Parsons	
Bennett	Ellis	Holmes	Rice	
Bishop	Figures	Horn	Sanders	—23

BUDGET ISOLATION RESOLUTION

Senator Hand moved that the B. I. R., H. B. 151, be adopted.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 14	S. B. 173	S. B. 274
S. B. 56	S. B. 199	S. B. 329
S. B. 121	S. B. 204	S. B. 355

Delivered to the Governor April 28, 1988, at 10:50 A.M.

S. B. 69

Delivered to the Secretary of State April 28, 1988, at 10:21 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:04 P.M., on motion of Senator Bishop, in accordance with Resolution heretofore adopted, and pending further consideration of the B. I. R., H. B. 151, the Senate adjourned until Thursday, May 5, 1988, at 7 o'clock A.M.

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Yeas 20; Nays 8.

Yeas:

Senators:	Bennett	Figures	Langford	
Amari	Bishop	Foshee	Manley	
Bailey	Cabaniss	Hale	Preuitt	
Barron	deGraffenried	Hand	Rice	
Bedford	Dial	Hilliard	Sanders	
Bedsole				—20

Nays:

Senators:	Ellis	Holmes	Mitchem	
Corbett	Goodwin	Menton	Smith (J)	
Denton				—8

THIRTIETH LEGISLATIVE DAY

THURSDAY, MAY 5, 1988

The Senate met pursuant to adjournment, Lieutenant Governor Folsom presiding.

PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Pastor, New Providence Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Daryle Sager, Jefferson Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Campbell	Foshee	Menton
Amari	Corbett	Goodwin	Mitchem
Bailey	deGraffenried	Hale	Parsons
Barron	Denton	Hand	Preuitt
Bedford	Dial	Hilliard	Rice
Bedsole	Dixon	Holmes	Sanders
Bennett	Drinkard	Horn	Smith (B)
Bishop	Ellis	Langford	Smith (J)
Cabaniss	Figures	Manley	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Covington for today.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 9. To amend Section 30-1-7, Code of Alabama 1975, relating to persons authorized to solemnize marriages, so as to authorize certain retired judges to solemnize marriages.

Also:

S. 10. To amend Section 9-17-6, Code of Alabama 1975, which relates to the state oil and gas board, so as to authorize the board to regulate enhanced recovery methods, including Class II injection wells; and to delegate

power and authority to a hearing officer; to amend Section 9-17-24, Code of Alabama 1975, which provides for notification and filing fees prior to drilling wells, so as to authorize the board to collect filing fees and application fees, to establish the Alabama State Oil and Gas Board Special Fund, and to provide that well permit fees, filing fees and application fees shall be paid into the State Oil and Gas Board Special Fund.

Also:

S. 71. To further provide for seafoods and marine resources licenses in this state; to amend Section 9-12-119, Code of Alabama 1975, relating to issuance of licenses, so as to further provide for the issuance thereof, to increase the issuance fees, to specify that said issuance fees shall be in addition to the cost of licenses, to specify that the license fees shall be credited to the marine resources fund, and to provide for the return to the department of conservation and natural resources of unused licenses and stubs of licenses issued; to amend Section 9-12-82, Code of Alabama 1975, relating to "oyster catcher" licenses, so as to provide that the cost thereof shall be \$25.00; to repeal Section 9-12-84, Code of Alabama 1975; to amend Section 9-12-93, Code of Alabama 1975, relating to certain "shrimp boat" licenses, so as to increase fees and establish categories of license fees for residents, to further provide for use of recreational boats catching shrimp for certain purposes, to further provide for nonresident license fees, and to provide that license fees shall be deposited to the marine resources fund; to repeal Section 9-12-92, Code of Alabama 1975; to amend Section 9-12-113, Code of Alabama 1975, relating to certain commercial hook and line and net or seine licenses, so as to increase and further provide for resident license fees, to further provide for nonresident license fees, to provide certain exemptions for certain seines, to further provide for the possession of said licenses, to require certain nets and seines to bear a certain tag, to provide that certain nets and seines utilized in certain illegal manners shall be nuisances and subject to confiscation, to provide for the forfeit of certain nets and seines under certain circumstances, and to require the immediate return to waters of game fish taken by nets or seines pursuant to this code section; to provide for a certain recreational gill net license for a fee of \$50.00, and to prohibit the sale or barter or offer for sale or barter of fish taken pursuant to this license; to provide for and require a "crab catcher's" license for the taking of crabs for commercial purposes or the using by individuals for personal, noncommercial purposes of more than five (5) crab traps, to provide for a license fee of \$50.00, to provide for individual use of up to five (5) crab traps for personal, noncommercial purposes without said license, to require crab traps and commercial crab boats to display certain identifying markings, to prohibit the taking of crabs from traps of others without authorization, to provide for the deposit of license proceeds to the marine resources fund, to provide for a September 30 expiration date, and to provide penalties for the violation thereof; to provide for and require a "seafood dealer's" license, to define "seafood dealer", to provide for a license fee of \$125.00, to provide for certain exemptions, to prohibit certain restaurants and grocers from certain purchases of certain seafoods without said license, to provide for and require additional said licenses under certain circumstances, to provide from whom "seafood dealers" may purchase seafoods, to prohibit the sale of seafoods as provided for in this section without said license, and to provide penalties for the violation of this section; and to repeal sections 9-12-86, 9-12-88, 9-12-89, 9-12-90, 9-12-91, 9-12-81 and 9-12-114, Code of Alabama 1975.

Also:

S. 140. To amend Section 33-5-13, Code of Alabama 1975, relating to the term of certain certificates and licenses issued by the marine police division of the department of conservation and natural resources, so as to provide for a staggered vessel registration system.

Also:

S. 181. To amend Section 5-3A-9, Code of Alabama 1975, which prohibits banking department employees from borrowing money from state banks so as to limit the prohibition to the superintendent, any assistant superintendent, deputy superintendent and all bank examiners.

Also:

S. 182. To grant state chartered banks the same powers, privileges and protection held by federally chartered banks, if approved by the state superintendent of banks.

Also:

S. 276. To provide for (a) the letter permitting of an operation of "commercial fee fishing ponds"; (b) the exemption of certain persons from otherwise applicable state fishing license requirements; (c) the prohibition of selling or offering to sell or trading or offering to trade any fish taken from said ponds, except as otherwise provided by law; and (d) to provide penalties for the violation thereof and rules and regulations promulgated pursuant thereto.

Also:

S. 514. To provide that any Class 8 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Also:

S. 515. To provide that any Class 7 municipality presently operating under a commission form of government with commissioners elected at large and which at large system has been held to be in violation of the federal Voting Rights Act by a court of law may, by an ordinance duly adopted not less than three months prior to the regular municipal election, adopt a mayor-council form of government with the mayor elected at large and a five-member council elected from single-member districts; to divide the municipality into five single-member districts; to provide residency requirements for candidates seeking election to the council from said districts; to provide

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that candidates for council members may be elected by only the electors of the district they wish to represent; to describe the territory composing each district with the boundary lines being the centerline of streets as other well-defined boundaries; and to provide that such municipalities shall thereafter be governed by a mayor-council form of government with the same powers and duties as other mayor-council municipalities organized under Title 11 of the Code of Alabama 1975.

Also:

S. 591. Relating to Fayette County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 592. Relating to DeKalb County; authorizing the County Board of Health to designate the services rendered by the County Board of Health for which a reasonable fee may be charged and set the appropriate fee therefor; to construe that no citizen shall be denied any service because of such person's inability to pay.

Also:

S. 607. To permit banks now or hereafter situated in Marshall County to establish, maintain and operate branch banks and branch offices within the limits of such county, except within the city limits of incorporated municipalities having a population of 5,000 or less in accord with the present or any subsequent federal decennial census and in which a bank is already established, to authorize the conduct of a general banking and trust business at such locations; and to repeal conflicting laws.

Also:

S. 610. To make a supplemental appropriation to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1988, from the Alabama Special Educational Trust Fund.

Also:

S. 618. To authorize the Marshall County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 652. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

Also:

S. 665. Relating to Franklin County; providing for the levy and collection of a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, as amended, and a special county excise tax paralleling

the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975, as amended; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes levied; providing for the termination of such tax levy; providing for enforcement of this act; and providing for an effective date and automatic termination.

Also:

S. 666. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

S. 667. Relating to Franklin County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

S. 668. Relating to Lamar County; to authorize the County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

S. 672. Relating to Franklin County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

Also:

S. 673. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 257. To propose an amendment to the Constitution of Alabama 1901 for Perry County to provide further for filling vacancies in certain county offices.

Also:

S. 663. To propose an amendment to the Constitution of Alabama 1901 for Sumter County to provide further for filling vacancies in certain county offices.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 209. MOURNING THE DEATH OF JOHN B. JOHNSON OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 215. COMMENDING ALICIA COLE OF WETUMPKA HIGH SCHOOL FOR EXTRAORDINARY ACHIEVEMENT.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 1046, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Manley	
Amari	Cabaniss	Figures	Menton	
Bailey	Campbell	Foshee	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Horn	Preuitt	
Bedsole	Dixon	Langford	Rice	
Bennett	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1046. Relating to Baldwin County; providing for the compensation of the board of equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Manley	
Amari	Cabaniss	Figures	Menton	
Bailey	Campbell	Foshee	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Horn	Preuitt	
Bedsole	Dixon	Langford	Rice	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 1047, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn	
Bedford	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Menton	
Bishop	Drinkard	Hilliard	Mitchem	
Cabaniss	Ellis	Holmes	Preuitt	
Campbell	Figures			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1047. To alter, rearrange and extend the boundary lines and corporate limits of the City of Sylacauga in Talladega County, Alabama, so as to include within the corporate limits of said city certain additional territory. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Horn
Bedford	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Bennett	Dixon	Hand	Menton
Bishop	Drinkard	Hilliard	Mitchem
Cabaniss	Ellis	Holmes	Preuitt
Campbell	Figures		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 1053, adopted.

Yeas 25; Nays 1.

Yeas:

Senators:	Cabaniss	Figures	Parsons
Amari	Campbell	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Barron	Denton	Hilliard	Sanders
Bedford	Dial	Menton	Smith (B)
Bennett	Dixon	Mitchem	Smith (J)
Bishop	Drinkard		

—25

Nay: Senator Bedsole

—1

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1053. To alter, rearrange and extend the boundaries and corporate limits of the City of Daphne, Alabama, so as to incorporate certain territory as described herein and provide for form of government and operation thereof.

Short Title "Daphne Annexation Act I"

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Senators:	Cabaniss	Figures	Parsons
Amari	Campbell	Hale	Preuitt
Bailey	deGraffenried	Hand	Rice
Barron	Denton	Hilliard	Sanders
Bedford	Dial	Menton	Smith (B)
Bennett	Dixon	Mitchem	Smith (J)
Bishop	Drinkard		

—25

Nay: Senator Bedsole

—1

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act 87-462, et al, the "Alabama Interim Legislative Committee on Municipal Government Report for 1987-1988" was read and ordered filed with the Secretary.

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 1055, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Langford	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1055. Relating to Elmore County; providing further for the procedure for selling and redeeming lands for taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Langford	
Barron	deGraffenried	Foshee	Preuitt	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Preuitt, B. I. R., H. B. 1057, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Smith (J)	
Bennett	Ellis			—25

Nays: —0

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BILLS ON THIRD READING RESUMED

THE BILL:

H. 1057. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes	
Amari	Cabaniss	Foshee	Horn	
Bailey	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Preuitt	
Bedsole	Drinkard	Hilliard	Smith (J)	
Bennett	Ellis			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Mitchem, B. I. R., H. B. 1027, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Mitchem	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1027. Relating to Marshall County; levying an additional tax on the wholesale price of all spirituous or vinous liquors sold in the county and providing for disposition of the proceeds from such taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand	
Amari	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Mitchem	
Bedford	Denton	Goodwin	Smith (B)	
Bedsole	Dial	Hale	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Ellis, B. I. R., H. B. 1029, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Drinkard	Manley	Sanders
Bedford	Ellis	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1029. Relating to St. Clair County; providing for the collection of the one and a half percent sales taxes levied by the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Drinkard	Manley	Sanders
Bedford	Ellis	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 1030, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons
Bedford	Figures	Horn	Preuitt
deGraffenried	Foshee	Langford	Rice
Denton	Goodwin	Manley	Sanders
Dial	Hale	Menton	Smith (B)
Dixon	Hand	Mitchem	Smith (J)
Drinkard	Hilliard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1030. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other

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consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

was read a third time^a at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dial, B. I. R., H. B. 1031, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1031. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Dial	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Langford, B. I. R., H. B. 1032, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Langford
Barron	deGraffenried	Foshee	Preuitt
Bedford	Denton	Goodwin	Smith (B)
Bedsole	Dial	Hale	Smith (J)
Bennett	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1032. Relating to Elmore County; to provide for the creation, maintenance and regulation of districts for fighting or preventing fires, and providing other related services, and to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; and to provide for the creation of the Elmore County Fire Protection Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Langford
Barron	deGraffenried	Foshee	Preuitt
Bedford	Denton	Goodwin	Smith (B)
Bedsole	Dial	Hale	Smith (J)
Bennett	Dixon		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 1033, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Holmes
Barron	deGraffenried	Foshee	Horn
Bedford	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Manley
Bennett	Dixon	Hand	Rice
Bishop	Drinkard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1033. Relating to Lee County; to authorize the county commission, subject to the referendum approval of a majority of the qualified electors of any fire fighting district, to levy and collect charges on property within fire fighting districts of Lee County; to authorize the county commission to establish fire protection districts and enter into agreements with volunteer fire departments for fire protection services in said districts; to provide for the assessment, collection, and use of the proceeds of such charges; and to provide for a procedure of holding referendum elections in fire protection districts in order to ratify the charges herein authorized.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Horn	
Bedford	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 1034, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Horn	
Bedford	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1034. To propose an amendment to the Constitution of Alabama of 1901, relating to and authorizing the levy and collection, by the governing body of Lee County, of financial charges or assessments on property within the boundaries of any one or more fire fighting districts in Lee County, the holding of elections within such districts to approve the rate or rates and duration of such financial charges or assessments, providing that such financial charges or assessments need not be assessed in exact proportion to value, and providing for the expenditure of the proceeds from such financial

charges or assessments; to fix a date for an election upon such proposed amendment; and to provide for publication of notice thereof prior to such election.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Hilliard	
Bailey	Campbell	Figures	Holmes	
Barron	deGraffenried	Foshee	Horn	
Bedford	Denton	Goodwin	Langford	
Bedsole	Dial	Hale	Manley	
Bennett	Dixon	Hand	Rice	
Bishop	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 1035, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Parsons	
Amari	Cabaniss	Hand	Preuitt	
Bailey	Denton	Langford	Rice	
Barron	Dial	Manley	Sanders	
Bedford	Dixon	Menton	Smith (B)	
Bedsole	Drinkard	Mitchem	Smith (J)	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Parsons	
Amari	Cabaniss	Hand	Preuitt	
Bailey	Denton	Langford	Rice	
Barron	Dial	Manley	Sanders	
Bedford	Dixon	Menton	Smith (B)	
Bedsole	Drinkard	Mitchem	Smith (J)	
Bennett	Ellis			—25

Nays: —0

REGULAR SESSION
30th Day

2129

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 1043, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Menton
Amari	Cabaniss	Goodwin	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	deGraffenried	Horn	Preuitt
Bedford	Denton	Langford	Rice
Bedsole	Dial	Manley	Sanders
Bennett	Dixon		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1043. To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to repeal Act No. 81-839, H. 1116, 1981 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Menton
Amari	Cabaniss	Goodwin	Mitchem
Bailey	Campbell	Holmes	Parsons
Barron	deGraffenried	Horn	Preuitt
Bedford	Denton	Langford	Rice
Bedsole	Dial	Manley	Sanders
Bennett	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 1044, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	deGraffenried	Manley	Sanders
Bedford	Denton	Menton	Smith (B)
Bedsole	Ellis	Mitchem	Smith (J)
Bennett	Goodwin		

—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1044. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	deGraffenried	Manley	Sanders	
Bedford	Denton	Menton	Smith (B)	
Bedsole	Ellis	Mitchem	Smith (J)	
Bennett	Goodwin			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Goodwin, B. I. R., H. B. 1045, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	deGraffenried	Manley	Sanders	
Bedford	Denton	Menton	Smith (B)	
Bedsole	Ellis	Mitchem	Smith (J)	
Bennett	Goodwin			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1045. Applying only to Bibb County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

was read a third time at length and passed.

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Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	deGraffenried	Manley	Sanders
Bedford	Denton	Menton	Smith (B)
Bedsole	Ellis	Mitchem	Smith (J)
Bennett	Goodwin		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Rice, B. I. R., H. B. 1059, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Bedsole	Drinkard	Hilliard	Rice
Bennett	Ellis		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1059. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Holmes
Amari	Cabaniss	Foshee	Horn
Bailey	Denton	Goodwin	Langford
Barron	Dial	Hale	Manley
Bedford	Dixon	Hand	Menton
Bedsole	Drinkard	Hilliard	Rice
Bennett	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 578, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Drinkard	Manley	Sanders
Bedford	Hale	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 578. To impose a filing fee of Two Dollars (\$2.00) on certain instruments, documents, and papers filed for record in the office of the Probate Judge of Etowah County, the funds collected therefrom to be used exclusively for the funding of the mental health program in Etowah County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Drinkard	Manley	Sanders
Bedford	Hale	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Manley, B. I. R., H. B. 736, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley
Amari	Cabaniss	Foshee	Preuitt
Bailey	Denton	Goodwin	Rice
Barron	Dial	Hale	Sanders
Bedford	Dixon	Hand	Smith (B)
Bedsole	Drinkard	Hilliard	Smith (J)
Bennett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 736. Relating to Conecuh County; to provide that beer or ale may be sold in cans not exceeding one quart or 32 ounces in size.

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was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Figures	Manley
Amari	Cabaniss	Foshee	Preuitt
Bailey	Denton	Goodwin	Rice
Barron	Dial	Hale	Sanders
Bedford	Dixon	Hand	Smith (B)
Bedsole	Drinkard	Hilliard	Smith (J)
Bennett	Ellis		

—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 573. To provide that all federal funds available to state agencies for financial assistance through cost-share grants to landusers for agricultural nonpoint source pollution control shall be directed to the State Soil and Water Conservation Committee and grants certain powers to the Committee to implement the provisions of this Act.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the State Soil and Water Conservation Committee and Soil and Water Conservation Districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the State Soil and Water Conservation Committee and Soil and Water Conservation Districts administer this state cost-share program under the auspices of the Alabama Agricultural and Conservation Development Commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality nonpoint source financial assistance program; now therefore,

JOHN W. PEMBERTON,
Clerk.

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 769, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Drinkard	Manley	Sanders	
Bedford	Hale	Menton	Smith (B)	
Bedsole	Hand	Mitchem	Smith (J)	
Bennett	Hilliard			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 769. Relating to Etowah County, establishing the Etowah County Sports Hall of Fame, providing for its membership to be selected by the Selection Criteria Committee, and providing for its location.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Drinkard	Manley	Sanders	
Bedford	Hale	Menton	Smith (B)	
Bedsole	Hand	Mitchem	Smith (J)	
Bennett	Hilliard			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Dixon, B. I. R., H. B. 848, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Amari	Cabaniss	Hale	Preuitt	
Bailey	Campbell	Hand	Rice	
Barron	Corbett	Hilliard	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bedsole	Figures	Mitchem	Smith (J)	
Bennett	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 848. Relating to the City of Montgomery; providing that city employees shall observe and be given certain holidays.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Amari	Cabaniss	Hale	Preuitt	
Bailey	Campbell	Hand	Rice	
Barron	Corbett	Hilliard	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bedsole	Figures	Mitchem	Smith (J)	
Bennett	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B. I. R., H. B. 937, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Amari	Cabaniss	Hale	Preuitt	
Bailey	Campbell	Hand	Rice	
Barron	Corbett	Hilliard	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bedsole	Figures	Mitchem	Smith (J)	
Bennett	Foshee			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 937. To authorize the Montgomery County Board of Health to designate the services for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Amari	Cabaniss	Hale	Preuitt	
Bailey	Campbell	Hand	Rice	
Barron	Corbett	Hilliard	Sanders	
Bedford	Dixon	Langford	Smith (B)	
Bedsole	Figures	Mitchem	Smith (J)	
Bennett	Foshee			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 1028, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Dixon	Langford	Rice
Bedsole	Drinkard	Manley	Sanders
Bennett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1028. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Dixon	Langford	Rice
Bedsole	Drinkard	Manley	Sanders
Bennett	Ellis		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Hale, B. I. R., H. B. 1041, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Dixon	Langford	Rice
Bedsole	Drinkard	Manley	Sanders
Bennett	Ellis		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1041. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Figures	Menton
Amari	deGraffenried	Hale	Mitchem
Bailey	Denton	Holmes	Parsons
Barron	Dial	Horn	Preuitt
Bedford	Dixon	Langford	Rice
Bedsole	Drinkard	Manley	Sanders
Bennett	Ellis		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Hand, B. I. R., H. B. 992, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn
Amari	Cabaniss	Figures	Langford
Bailey	Campbell	Foshee	Manley
Barron	Denton	Goodwin	Menton
Bedford	Dial	Hand	Mitchem
Bedsole	Dixon	Holmes	Parsons
Bennett	Drinkard		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 992. Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide

that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

was taken up.

Senator Hand offered the following substitute for the Bill, H. B. 992, to-wit:

SUBSTITUTE FOR H. B. 992

A BILL TO BE ENTITLED AN ACT

Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature are hereby amended to read as follows:

"An Act Relating to Baldwin County; providing for a planning and zoning commission for certain areas of such county; providing for the organization, membership, functions, authority and jurisdiction of such commission; providing for planning and zoning districts in certain areas of the county; providing for the membership and the qualifications of the members of the planning district committees for such districts; prescribing procedures for formulating and implementing development plans for such districts; providing for assessment of a certain development privilege fee on properties within such districts and providing how funds derived from such fees may be expended; providing procedures for adopting and appealing district development plans; prohibiting certain regulations adopted by the planning and zoning commission from being retroactive; requiring land use certificates for construction of certain projects in such districts; providing for issuance of such certificates; providing for a board of adjustment to rule on variances and prescribing certain procedures for such board; providing for penalties

and remedies to aid in the enforcement of this act and providing that this act shall have certain supplemental effect.

"Section 1. Definitions. As used in this act, the following terms shall have the following meanings or descriptions as provided herein, unless the context clearly indicates otherwise:

"(a) 'Agricultural or farm land' means a body of land, usually under one ownership, devoted to agriculture, either to the raising of crops or pasturage or both. It may consist of any number of acres and of one or many fields and it may be in one township or county or more than one.

"(b) 'Land use certificate' means a written document certifying that a regulated project or activity is in compliance with applicable ordinances. It shall be obtained from the planning commission or its designee in accordance with adopted administrative procedures for obtaining such certificate.

"(c) 'County governing body or commission' means the Baldwin County Commission or its successors.

"(d) 'Subdivision' means that portion of a lot, tract or parcel of land which is divided or resubdivided, whether at one time or in stages, into two or more lots, excluding the remnant of the original lot, tract or parcel, for the purpose, whether immediate or future, of building development. This definition includes, but is not limited to, any area to be developed for use as a permanent site, whether for sale, lease or rental, for the placement or construction of single family dwellings or commercial buildings. The division of land into two or more lots through sale at public or private auction is considered an act of creating a subdivision for the purposes of this act.

"Section 2. Creation of County Planning and Zoning Commission. There is hereby created a Planning and Zoning Commission for Baldwin County, Alabama, which commission shall be appointed as herein provided and shall have responsibilities and duties as are stated herein. Such commission shall be known as the Baldwin County Planning and Zoning Commission hereinafter referred to as 'the planning commission.'

"Section 3. Personnel of the Baldwin County Planning and Zoning Commission. Commencing on the effective date of this act and thereafter, the planning commission shall be composed of those persons serving as members of the Planning Commission of Baldwin County. Their terms on the planning commission shall run concurrently with their terms on the County Planning Commission. As the terms of the current members of the County Planning Commission expire, their successors shall be appointed by the county commission from the unincorporated areas of the county until such time that at least eight of the eleven members thereof are residents and qualified electors of unincorporated areas of the county. If the number of planning commission members is changed, this same ratio of members from unincorporated areas to members from incorporated areas shall continue in effect. In the event of a vacancy on the planning commission, the same shall be filled in the same manner as the original appointment to the planning commission. The appointing authority may remove any member for cause upon written charges and after a public hearing. All members shall serve without compensation, and no member, except a county commissioner, shall hold a county office. However, reasonable and necessary expenses of the members of the planning commission shall be paid from the general fund of Baldwin County.

"Section 4. Jurisdiction of the Commission. The jurisdiction of the planning commission for zoning purposes shall apply to all unincorporated areas of Baldwin County under such terms, conditions and exceptions as are hereinafter prescribed. The jurisdiction of the planning commission for planning purposes shall apply to all areas of Baldwin County outside the planning jurisdictions of municipalities. The planning commission is hereby further authorized to regulate within such jurisdictions planning, zoning and construction of all public streets, public roads, subdivisions, drainage structures in subdivisions, mobile home parks, residential and commercial multi-unit developments including time share, condominium developments, apartments, recreation parks and developments, including the power to require the filing and posting of a surety bond not to exceed 125% of the original contract price with the planning commission by the developers of any such development to guarantee the actual construction and installation of approved proposed public streets, public roads and drainage structures before the sale or offering for sale of any lots from such development to the public. The county governing body is hereby authorized to adopt and enforce such ordinances as shall be necessary to implement any development plans approved by the planning commission.

"Section 5. Organization and Rules. The planning commission shall elect its chairman and create and fill such other offices as it deems necessary. The term of the chairman shall be for one year, with eligibility for reelection. The planning commission shall normally hold at least one regular meeting each month. It shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transaction of business, which record shall be a public record. A majority of the members on the planning commission is hereby required to constitute a quorum to transact the business of the planning commission.

"Section 6. Staff and Finances. The planning commission may appoint, promote, demote, and remove such employees as it deems necessary for its work subject to the rules and regulations of the county merit system. The planning commission may also contract with county or city planners, engineers, architects and other consultants and with any local, state, or federal agency for such services as it may require. The planning commission may cooperate with and accept funds from federal, state and local public or semipublic agencies, and may expend such funds, and may carry out such cooperative undertakings and contracts for planning studies necessary in the performance of its duties. The expenditures of the planning commission, exclusive of gifts, grants, or contract receipts, shall be within the amounts appropriated for the purpose by the county governing body. With the approval of the county commission, the planning commission may assess the developer of any real property within its jurisdiction a uniform development privilege fee. Such fee shall be deposited to the county general fund to be expended exclusively for the general administration of the planning commission.

"Section 7. General Power and Duties of the Planning Commission. It shall be the function and duty of the planning commission to make and maintain in an up-to-date manner a master plan and to adopt appropriate zoning, management, and development regulations as provided by Section 10 hereof for the physical development of the unincorporated areas of Baldwin County. Such plan with the accompanying maps, plats, charts, and descriptive material shall show the planning commission's recommendations for the use and development of such unincorporated territory of said county. The planning and development regulations shall also include a zoning plan for selected areas for the control of the height, area, bulk, location, and use of buildings

and land. As the work of making the whole master plan and preparation of planning, zoning and development regulations progresses, the planning commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the county. The planning commission may from time to time amend, extend, or add to the plan or regulations as hereinafter provided once said plan has been adopted by the county commission. Nothing in this act shall be construed to impair the right of eminent domain conferred on railroads and utilities, both public and private, or their right to construct, use and maintain structures reasonably required in the public service or their right to exercise authority conferred by statutes, franchises, certificates of convenience and necessity, licenses, easements or conveyances.

"Section 8. Purposes in View. In the preparation of the master plan and planning, zoning and development regulations, the planning commission shall make careful and comprehensive surveys and studies of the present conditions existing within unincorporated areas with due regard to existing agricultural uses, to land by virtue of its fertility, proximity to water supplies, and other geographical features as particularly suited to agricultural uses, to neighboring municipalities, towns and villages, to the growth of subdivisions, to the general population growth of the resort areas and the county, and make adequate provision for traffic, recreational areas and industries and other public requirements. The comprehensive plan, planning, development and zoning regulations should be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county, which will, in accordance with present and future needs, best promote health, the environment, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, and should promote safety from fire, flood and other dangers, the healthful and convenient distribution of population, and the wise and efficient expenditure of public funds. The plan and regulations shall be a public record, but its purpose and effect shall be to aid the planning commission in the performance of its duties, including making recommendations to the county governing body and assisting and cooperating with other federal, state and local agencies so as to achieve coordinated, adjusted, and harmonious development.

"Section 9. Subdivision Regulations. The planning commission shall adopt a code of regulations applicable to the subdivision of land in the unincorporated areas of Baldwin County, and plats of subdivisions shall not, after the adoption of such code of regulations, be accepted for filing and recording in the Probate Office until they have been approved in a manner to be designated by the planning commission. The provisions of this section shall apply to all unincorporated areas of the county, including police jurisdictions of the various municipalities therein.

"Section 10. Districts, Zoning, Administration, Grant of Power.

"(a) For the purpose of promoting the health, safety, morals, convenience, environment order, prosperity and general welfare of the county, the unincorporated areas of the county are hereby divided into twenty (20) planning and zoning districts described as follows:

"DISTRICT #1

"Beginning at the Southwest corner of Section 27, Township 1 North, Range 4 East; run thence Northwardly along the section lines to the Northwest corner of Section 3, Township 1 North, Range 4 East; run thence

Westwardly along the section lines to the Southwest corner of Section 31, Township 2 North, Range 3 East; run thence Southwardly along the East section line of Section 1, Township 1 North, Range 2 East, to the intersection with Farris Creek; run thence Westwardly along the meanderings of Farris Creek to its intersection with Big Beaver Creek; run thence Westwardly along the meanderings of Big Beaver Creek to its intersection with Stiggins Lake; run thence Westwardly along the meanderings of Stiggins Lake to a point that is due North of the Northwest corner of fractional Section 37, Township 1 North, Range 1 East; run thence South to the Northwest corner of fractional Section 37, Township 1 North, Range 1 East; run thence Southwardly along the West line of fractional Section 37, Township 1 North, Range 1 East, to the intersection with Mobile River; run thence Northwardly along the meanderings of the Mobile River to its intersection with the Alabama River; run thence Northwardly and Eastwardly along the meanderings of the Alabama River to its intersection with Little River; run thence Eastwardly along the meanderings of Little River to the intersection of the East line of Township 3 North, Range 4 East; run thence Southwardly along the Eastern boundary of Range 4 East to its intersection with the northern right-of-way of I-65; run thence Westwardly along the Northern right-of-way of I-65 to the point of beginning.

"DISTRICT #2

"Beginning at the Southeast corner of Section 28, Township 1 North, Range 4 East; run thence Northwardly along the section lines to the Northeast corner of Section 4, Township 1 North, Range 4 East; run thence Westwardly along the section lines to the Northwest corner of Section 6, Township 1 North, Range 3 East; run thence Southwardly along the Western boundary of Range 3 East to its intersection with the Northern right-of-way of I-65; run thence Eastwardly along the Northern right-of-way of I-65 to the point of beginning.

"DISTRICT #3

"Beginning at the intersection of the Eastern boundary of Range 2 East with the Northern right-of-way of I-65; run thence Northwardly along the Eastern boundary of Range 2 East to its intersection with Farris Creek; run thence Westwardly along the meanderings of Farris Creek to its intersection with Big Beaver Creek; run thence Westwardly along the meanderings of Big Beaver Creek to its intersection with Stiggins Lake; run thence Westwardly along the meanderings of Stiggins Lake to its intersection with the North extension of the West boundary of Section 37, Township 1 North, Range 1 East; run thence South to the Northwest corner of Section 37, Township 1 North, Range 1 East; run thence Southwardly along the Western boundary of Section 37, Township 1 North, Range 1 East to its intersection with Tensaw River, also known as Middle River; run thence Southwardly along the meanderings of Tensaw River, also known as Middle River, to its intersection with Little Lizard Creek; run thence Westwardly along the meanderings of Little Lizard Creek to its intersection with the Northern right-of-way of I-65; run thence Eastwardly along the Northern right-of-way of I-65 to the point of beginning.

"DISTRICT #4

"Beginning at the intersection of the North right-of-way of I-65 and the East section line of Section 28, Township 1 North, Range 4 East; run thence Eastwardly along the North right-of-way of I-65 to the intersection

of the North right-of-way of I-65 and the East side of Section 13, Township 1 North, Range 4 East; run thence Southwardly along the section lines to the Southeast corner of Section 36, Township 1 North, Range 4 East; run thence Eastwardly along the section lines to its intersection with the Alabama State Line; run thence Southwardly along the Alabama State Line to its intersection with Perdido River and Dyas Creek; thence run Northwardly along the meanderings of Dyas Creek to its intersection with the Northern right-of-way of I-65; run thence along the North right-of-way of I-65 to the point of beginning.

“DISTRICT #5

“Beginning at the intersection of Hollinger Creek and the South section line of Section 33, Township 2 South, Range 4 East; run thence Westwardly along the section lines to the Southwest corner of Section 31, Township 2 South, Range 3 East; run thence Northwardly along the section lines to the North right-of-way of I-65; run thence Eastwardly along the North right-of-way of I-65 to its intersection with Dyas Creek; run thence Southeastwardly along the meanderings of Dyas Creek to its intersection with Perdido River; run thence Southeastwardly along the meanderings of Perdido River to its intersection with the South line of Township 3 South; run thence Westwardly along the South line of Township 3 South to its intersection with Hollinger Creek; run thence Northwardly along the meanderings of Hollinger Creek to the point of beginning.

“DISTRICT #6

“Beginning at the Southeast corner of Section 36, Township 2 South, Range 2 East, run thence Northwardly along the section lines to its intersection with the Northern right-of-way of I-65; run thence Westwardly along the North right-of-way of I-65 to its intersection with Mobile River; run thence Southwardly along the meanderings of Mobile River to its intersection with the Seaboard Railroad; run thence Eastwardly along the Northern right-of-way of the Seaboard Railroad to the Eastern shore line of the Tensaw River; run thence Southwardly along the Eastern shore line of the Tensaw River to its intersection with the Blakely River; run thence Southwardly along the Eastern shore line of the Blakely River to the discharge stream from Bay Minette; thence run Northwardly and Eastwardly along the meanderings of the discharge stream from Bay Minette to Bay Minette; run thence along the Northern boundary of Bay Minette to its intersection to Bay Minette Creek; run thence Northwardly along the meanderings of Bay Minette Creek to its intersection with Whitehouse Creek; thence Northwardly along the meanderings of Whitehouse Creek to its intersection with the Southern line of Township 2 South; run thence Eastwardly along said South boundary of Township 2 South to the point of beginning.

“DISTRICT #7

“Beginning at the Northwest corner of Section 6, Township 3 South, Range 3 East, run thence Eastwardly along the section lines to its intersection of Hollinger Creek; thence run Southwardly along the meanderings of Hollinger Creek to its intersection with the South boundary of Township 3 South; run thence Westwardly along the South boundary of Township 3 South to the Southwest corner of Section 31, Township 3 South, Range 4 East; run thence Southwardly along the section line to the Southeast corner of Section 1, Township 3 South, Range 3 East; run thence Westwardly along the section line to the intersection of the Eastern boundary of Highway No.

59; run thence Northwardly along the Eastern right-of-way of Highway No. 59 to its intersection with the Eastern right-of-way of Highway 31; run thence Southwestwardly along the Eastern right-of-way of Highway 31 to its intersection with Bromley Road; thence run Westwardly along Bromley Road to the intersection with Whitehouse Creek; thence run Northwardly along the meanderings of Whitehouse Creek to the North line of Township 3 South; run thence Eastwardly along said North boundary of Township 3 South to the point of beginning.

“DISTRICT #8

“Begin at the intersection of the North right-of-way of I-10 and Fish River; run thence Northwardly along the meanderings of Fish River to its intersection with the Eastern right-of-way of Highway 59; run thence Northwardly along the East right-of-way of Highway 59 to its intersection with the Eastern right-of-way of Highway 31; run thence Southwardly along the Eastern right-of-way of Highway 31 to its intersection with Bromley Road; run thence Westwardly along Bromley Road to its intersection with Bay Minette Creek; run thence Southwardly along the meanderings of Bay Minette Creek to the Northern margin of Bay Minette; run thence along the Northern boundary of Bay Minette to its intersection with the discharge creek from Bay Minette; run thence along the meanders of the discharge creek from Bay Minette to its intersection with Blakely River; run thence along the Eastern boundary of Blakely River to its intersection with the Northern right-of-way of I-10; run thence Eastwardly along the Northern right-of-way of I-10 to the point of beginning.

“DISTRICT #9

“Beginning at the Southeast corner of Section 4, Township 6 South, Range 2 East, run thence Northwardly along the sections lines to its intersection with the North right-of-way of I-10; run thence Westwardly along the North right-of-way of I-10 to its intersection with Blakely River; run thence Southwardly along the meanderings of Blakely River to its intersection with D'Olive Bay; run thence Northwardly, Eastwardly and Southwardly along D'Olive Bay to its intersection with Mobile Bay; run thence Southwardly along the meanderings of Mobile Bay to the intersection with the Westerly extension of Highway 104; run thence Eastwardly along the extension of the Northern right-of-way of Highway 104 to the point of beginning.

“DISTRICT #10

“Beginning at the Southwest corner of Section 34, Township 5 South, Range 2 East, run thence Northwardly along the section lines to the intersection of the North right-of-way of I-10; run thence Eastwardly along the North right-of-way of I-10 to its intersection with Fish River; run thence Southwardly along the meanderings of Fish River to its intersection with the South boundary of Township 5 South; run thence Westwardly along the South boundary of Township 5 South to the point of beginning.

“DISTRICT #11

“Beginning at the Southeast corner of Section 24, Township 5 South, Range 3 East, run thence Westwardly along the section lines to Fish River; run thence Northwardly along the meanderings of Fish River to its intersection with the Eastern right-of-way of Highway 59; run thence Southwardly

along the Eastern right-of-way of Highway 59 to its intersection with the South line of Section 5, Township 4 South, Range 3 East; run thence Eastwardly along the section lines to the Northeast corner of Section 12, Township 4 South, Range 3 East; run thence Southwardly along the sections lines to the point of beginning.

“DISTRICT #12

“Beginning at the Southwest corner of Section 19, Township 5 South, Range 4 East, run thence Northwardly along the section lines to the Northwest corner of Section 6, Township 4 South, Range 4 East; run thence Eastwardly along the section lines to its intersection with Hollinger Creek; run thence Southwardly along the meanderings of Hollinger Creek to its intersection with the Eastern boundary of Range 4 East; run thence Southwardly along Range 4 East to the Southeast corner of Section 24, Township 5 South, Range 4 East; run thence Westwardly along the section lines to the point of beginning.

“DISTRICT #13

“Beginning at the Southwest corner of Section 31, Township 6 South, Range 5 East, run thence Northwardly along the section lines to the intersection of Hollinger Creek; run thence Northwardly along the meanderings of Hollinger Creek to its intersection with the Northern boundary of Township 4 South; run thence Eastwardly along the North boundary of Township 4 South to its intersection with Perdido River; run thence Southwardly along the meanderings of Perdido River to its intersection with Black Water River; run thence Westwardly along the meanderings of Black Water River to its intersection with Three Mile Creek; run thence Southwardly along the meanderings of Three Mile Creek to its intersection with the South boundary of Township 6 South; run thence Westwardly along the South boundary of Township 6 South to the point of beginning.

“DISTRICT #14

“Beginning at the Southeast corner of Section 36, Township 6 South, Range 4 East, run thence Westwardly along the section lines to the Southwest corner of Section 34, Township 6 South, Range 4 East; run thence Southwardly along the section lines to the Southeast corner of the Northeast quarter of Section 9, Township 7 South, Range 4 East; run thence Westwardly along the half section line to the Eastern boundary of Highway 59; run thence Northwestwardly along the Eastern right-of-way of Highway 59 to its intersection with the South line of Section 5, Township 7 South, Range 4 East; run thence Westwardly along the section lines to its intersection with Fish River; run thence Northwardly along the meanderings of Fish River to its intersection with the Northern line of Section 30, Township 5 South, Range 3 East; run thence Eastwardly along the section lines to the Northeast corner of Section 25, Township 5 South, Range 4 East; run thence Southwardly along the section lines to the point of beginning.

“DISTRICT #15

“Beginning at the Northwest corner of Section 3, Township 6 South, Range 2 East, run thence Eastwardly along the section lines to its intersection with Fish River; run thence Southwardly along the meanderings of Fish River to its intersection with Weeks Bay; run thence Southwardly along the Western shore line of Weeks Bay to its intersection with Weeks Branch;

run thence Northwestwardly along the meanderings of Weeks Branch to its intersection with the East boundary of the West half of Section 27, Township 7 South, Range 2 East; run thence Northwardly along the half section line of Section 27, Township 7 South, Range 2 East, to the Northeast corner of the Northwest quarter of Section 27, Township 7 South, Range 2 East; run thence Westwardly along the section line to the Southwest corner of Section 22, Township 7 South, Range 2 East; run thence Northwardly along the section lines to the point of beginning.

"DISTRICT #16

"Beginning at the intersection of the North right-of-way of Highway 104 and the East line of Section 4, Township 6 South, Range 2 East, run thence Westwardly along the North right-of-way of Highway 104 and the Westwardly extension of the North right-of-way of Highway 104 to its intersection with the Eastern shore of Mobile Bay; run thence Southwardly along the meanderings of the Eastern shore line of Mobile Bay to its intersection with Weeks Bay; run thence Northwardly along the Western shore line of Weeks Bay to its intersection with Weeks Branch; run thence Northwestwardly along the meanderings of Weeks Branch to its intersection with the East boundary of the West half of Section 27, Township 7 South, Range 2 East; run thence Northwardly along the half section line to the Northeast corner of the Northwest quarter of Section 27, Township 7 South, Range 2 East; run thence Westwardly along the section line to the Northeast corner of Section 28, Township 7 South, Range 2 East; run thence Northwardly along the section lines to the point of beginning.

"DISTRICT #17

"Beginning at the Northwest corner of Section 3, Township 7 South, Range 4 East, run thence Eastwardly along the section line to its intersection with Three Mile Creek; run thence Northwardly along the meanderings of Three Mile Creek to its intersection with the Black Water River; run thence Eastwardly along the meanderings of Black Water River to its intersection with Perdido River; run thence Southwardly along the meanderings of Perdido River to its intersection with Perdido Bay; run thence along the meanderings of Perdido Bay to its intersection Arnica Bay; run thence along the meanderings of Arnica Bay to Bay La Launch; run thence along the meanderings of Bay La Launch to its intersection with the Western shore line of Wolf Bay; run thence Northwardly along the Western boundary of Wolf Bay to its intersection with Sandy Creek; run thence Northwardly along the meanderings of Sandy Creek to its intersection with the North boundary of the South half of Section 10, Township 7 South, Range 4 East; run thence Westwardly along the half section line of Section 10, Township 7 South, Range 4 East to the Southwest corner of the Northwest quarter of Section 10, Township 7 South, Range 4 East; run thence Northwardly along the section line to the point of beginning.

"DISTRICT #18

"Beginning at the Southeast corner of the Northeast quarter of Section 9, Township 7 South, Range 4 East, run thence Eastward along the half section line to its intersection with Sandy Creek; run thence Southwardly along the meanderings of Sandy Creek to its intersection with the Western shore line of Wolf Bay; run thence Southwardly along the meanderings of the Western boundary of Wolf Bay to its intersection with Portage Creek; run thence Westwardly along the Northern boundary of Portage Creek to

its intersection with the Intracoastal Waterway; run thence Westwardly along the meanderings of the Intracoastal Waterway to its intersection with Bon Secour Bay; run thence Northwestwardly along the meanderings of the Eastern shore line of Bon Secour Bay to its intersection with the Western shore line of Weeks Bay; run thence along the meanderings of the Western shore line of Weeks Bay to its intersection with Fish River; run thence Northwardly along the meanderings of Fish River to its intersection of the Northern boundary of Section 7, Township 7 South, Range 3 East; run thence Eastwardly along the section lines to the intersection of the Eastern right-of-way of Highway 59; run thence Southwardly along the Eastern right-of-way of Highway 59 to its intersection with the North boundary of the South half of Section 9, Township 7 South, Range 4 East; run thence Eastwardly along the half section line of Section 9, Township 7 South, Range 4 East, to the point of beginning.

“DISTRICT #19

“Beginning at the intersection of the Intracoastal Waterway and the Eastern shore line of Bon Secour Bay, run thence Southwardly and Westwardly along the meanderings of the East and South shore lines of Bon Secour Bay to its intersection with Mobile Bay; run thence Westwardly along the meanderings of Mobile Bay to its intersection with the Gulf of Mexico; run thence Eastwardly along the meanderings of the Gulf of Mexico to the Alabama State Line; run thence Northwardly along the State Line to its intersection with Old River; run thence Eastwardly along the meanderings of Old River to its intersection with the Intracoastal Waterway; run thence Westwardly along the meanderings of the Intracoastal Waterway to its intersection with Perdido Bay; run thence Westwardly along the meanderings of Perdido Bay to its intersection with Arnica Bay; run thence Westwardly along the meanderings of Arnica Bay to its intersection with Bay La Launch; run thence Westwardly along the meanderings of Bay La Launch to its intersection with Wolf Bay; run thence Westwardly along the meanderings of Wolf Bay to its intersection with Portage Creek; run thence along the meanderings of Portage Creek to its intersection with the Intracoastal Canal; run thence Westwardly along the meanderings of the Intracoastal Canal to the point of beginning.

“DISTRICT #20

“Beginning at the intersection of the Seaboard Railroad and the Eastern shore line of the Tensaw River, run thence Southwardly along the Eastern boundary of the Tensaw River to its intersection with the Eastern shore of Blakely River; run thence Southwardly along the Eastern shore of Blakely River to its intersection with the North right-of-way of I-10; run thence Westwardly along the North right-of-way of I-10 to its intersection with the South right-of-way of Highway 90; run thence Westwardly along the South right-of-way of Highway 90 to its intersection with Spanish River; run thence Northwardly along the meanderings of Spanish River, also known as Mobile River, to its intersection with the Seaboard Railroad; run thence Eastwardly along the North right-of-way of the Seaboard Railroad to the North right-of-way of the Seaboard Railroad; run thence Eastwardly along the North right-of-way of Seaboard Railroad to the point of beginning.

“In addition to the above described planning and zoning districts, the Magnolia Springs Historic and Preservation District with its current boundaries shall continue its existence as a separate planning and zoning district unto itself and shall be exempt from procedures hereinafter prescribed for

determining whether planning and zoning districts shall be subject to the authority of the planning commission. Districts 9, 16, and 19, as hereinabove described, shall likewise be separate planning and zoning districts exempt from such procedures. All other provisions of this act to the contrary notwithstanding, the county commission, at its discretion, may grant planning and zoning authority to any historic or preservation district that may be established in an unincorporated area of the county after the effective date of this act. Provided, however, that any historic or preservation districts that may come into existence after the effective date of this act shall contain a minimum of six square miles of territory to qualify to be established as a historic or preservation district by the county commission; and, such future historic or preservation districts from their inception shall be subject to the planning and zoning authority of the planning commission.

“(b) When said twenty districts have been established, if 10% of the qualified electors in any district submit a written petition to the county commission expressing a desire to come under the planning commission’s jurisdiction, the county governing body shall certify or reject such petition within thirty days of receiving same and shall then instruct the judge of probate to provide for an election within that district no later than sixty days after such certification date to determine whether the residents therein desire to come under the jurisdiction of the planning commission. Notice of such elections shall be published at least four times during the thirty day period immediately preceding the date of the election in a newspaper of general circulation in Baldwin County. The judge of probate shall conduct such elections in a manner which he deems appropriate and all costs associated with such elections shall be paid from the county general fund. The results of such elections shall be binding on the county governing body. If a majority of the qualified electors in a district vote in the negative in such election, then the district shall be exempt from the zoning jurisdiction of the planning commission and such exempt district shall not be eligible to again petition for another election on such question for at least two years from the date of the last election. If a majority of the qualified electors in a district vote in the affirmative, then, the county commission and the state legislative delegation from Baldwin County shall, within 30 days after certification of such affirmative results, appoint seven qualified electors from the district to serve on a district development committee that shall be responsible for developing a planning and zoning plan for the district. The members of such district committees shall serve for staggered terms of four years each; provided, that of the first members appointed, one shall serve for four years, two shall serve for three years, two shall serve for two years and two shall serve for one year as the appointing authorities may direct. In the event that one or more municipalities adjoins or is enclosed within the boundaries of any district, the mayor or his designee of any affected municipality shall serve as an ex officio nonvoting member of such committee. Each committee member shall be eligible for reappointment with no limitation on the number of terms he or she may serve on a committee. The planning commission shall organize such committee and shall grant it the authority to contract with consultants for assistance in developing such plan. Such consultants shall be paid by the county commission for their service according to the terms and conditions of their contracts.

“(c) The county commission shall assess the owner of any real property within the district’s jurisdiction a uniform zoning fee. Such assessments shall be collected by the county tax collector on annual ad valorem tax bills and nonpayment of such assessments shall constitute a lien on the assessed property. Provided, however, that the annual amount of such fee shall not

exceed \$10.00 and may not be assessed for more than two consecutive years at the discretion of the county commission. Provided further, that no property owner shall be assessed for more than \$10.00 per parcel in any year. The county revenue office shall collect such fee and the proceeds from same, less 10% for administrative costs, shall be deposited to the county general fund to be expended exclusively for the purpose of developing a planning and zoning plan for that district by the district development committee. Any assessment funds not spent during the preparation of such plan may be used by the county commission for administration of planning and zoning in the county.

“(d) The district development plan shall be finalized and presented to the planning commission for its approval no later than 180 days after the date on which the last member of such committee was appointed thereto; provided, however, that at least two public hearings shall be held in the interim to finalize the plan with the electorate and appropriate public notice of both hearings shall be given. The planning commission shall reach a decision on such plan within thirty days. If the planning commission rejects such plan, its written rejection shall be accompanied by its recommended changes. The district committee shall then reformulate the plan and resubmit it to the planning commission for approval no later than thirty days after receiving the planning commission's rejection of the first plan. If the planning commission again rejects the plan, then, the district committee may appeal this rejection to the county commission or its assigns which shall serve as an appellate forum for such controversies. The county commission shall, likewise, reach a decision on such plan within thirty days of receipt of same. The decision of the county commission shall be binding on all parties and any appeal therefrom shall lie directly to the circuit court of Baldwin County. An individual desiring to contest the development plan may file his or her written objections to such plan with the planning commission during the first ten days of the thirty day period that the plan is before the planning commission. If such individual is not satisfied with the planning commission's appellate decision on such plan, then, he or she may appeal such decision to the county commission of Baldwin County. Said county commission shall render its decision on such appeal within 30 days of receipt of same. The decision of the county commission shall be binding on all parties and any appeal therefrom shall lie directly to the circuit court of Baldwin County. When a development plan is finalized and implemented, the district development committee shall become an advisory committee for the planning commission to consult with on proposed planning and zoning changes.

“(e) The zoning administration of a finalized district plan shall fall within the purview of the planning commission which shall review, from time to time, all zoning applications including but not limited to the following: Special exceptions, zoning amendments, major projects, variance requests and historic and preservation district projects. No project shall be constructed prior to the issuance of a valid land use certificate. The planning commission may, at its discretion, request the county commission to designate an agency of the county commission to review all minor projects. Minor projects shall be defined in the zoning regulations of each district. Appeals from such review decisions shall be heard by either the county staff designated to review minor projects or the county commission.

“(f) The approval of the planning commission shall be required for any amendments to a district development plan. The county commission may designate a county agency to receive zoning certificate applications.

“(g) The planning commission may levy such permit application fees, from time to time, as it deems necessary to administer zoning regulations provided such fee schedule is approved by the county commission. Such permit fees shall cover the costs of administration activities performed by agencies of the county commission and must be approved by the county commission.

“(h) It shall be a Class A misdemeanor punishable as provided by state law for any person, firm, partnership, association or corporation to violate any planning and zoning ordinance promulgated and implemented under the authority of this act.

“(i) The county commission shall adopt, from time to time, such administrative rules and procedures as it deems necessary from time to time to carry out the provisions of this act.

“Section 11. Publication of Notice of Proposed Change in Zoning Regulations. Once zoning regulations have become applicable to a district, such regulations shall not be changed by the planning commission until: a sign has been posted on the property to be affected by the proposed change for no less than three weeks prior to the date of the hearing stating both the proposed change and the time and date of a hearing to be held on such proposed change; and, the proposed change has been published for three weeks in a newspaper of general circulation within the county together with a notice stating the time and place that the change in regulations will be considered by the planning commission, and stating further that at such time and place all persons who desire shall have an opportunity to be heard in favor of or in opposition to such change in such zoning regulations.

“Section 12. Development and Zoning Regulations shall not be Retroactive. No development or zoning regulation adopted by the planning commission shall change any use to which land is being made at the time such development or zoning regulations become applicable in any district. A nonconforming business, house, mobile home, building, structure or other improvement or one that is hereafter removed, damaged or destroyed by fire, storm or other disaster to an extent greater than fifty percent (50%) of its estimated fair market value, may be improved, repaired, rebuilt or replaced on the same lot for the same or a similar use as often as may be necessary; provided that such improvement, repairing, rebuilding or replacement will bring it into conformity, if possible, or that it will at least not increase, unnecessarily, the nonconformity, and will, in all other respects, meet the requirements of the district in which it is located. Furthermore, a transfer of title to property that becomes nonconforming to any zoning regulation adopted pursuant to this act shall not be encumbered or burdened by the provisions of this act. Provided further, that any person, firm, association, corporation or other business entity that has been issued a legal building or construction permit prior to the effective date of the adoption of the zoning program of that district by the planning commission for structures or improvements than when completed might be nonconforming to any planning and zoning regulations adopted pursuant to this act shall not be adversely affected by the provisions of this act.

“Section 13. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any subdivision is established, or land used in violation of this enactment or of any regulation made under the authority conferred hereby, the county attorney, or other appropriate administrative officer of the planning commission shall institute any appropriate action or proceeding to prevent such unlawful

erection, construction, reconstruction, alteration, repair, conversion, maintenance, or subdivision of the land, or use of the land to restrain, correct, or abate such violation, or to prevent the occupancy of any such building, structure, subdivision of land or to prevent any illegal act, conduct, business, or misuse in or upon any premises regulated under the authority conferred by this act.

"Section 14. Authority of Planning Commission. The authority of the planning commission shall not conflict with present or future regulations or policies of the state and county health departments. It shall have no power to alter or interfere with such regulations, including, but not limited to, health regulations relating to: motels, hotels, subdivisions, swimming pools; and all types of food service to the public whether or not food is prepared on premises or not, including charitable and business ventures, whether a permanent food establishment, seasonal food service or itinerant food vendors, including roadside sale of edible substances or beverages; jails, prisons, public gathering places, lounges, bars or similar establishments, whether products are consumed on premises or not; live adult entertainment only if such entertainment might reasonably be expected to be detrimental to the public health, and without regard to the sex of the entertainers. Notification of all applications or proposals for disposal of sewage, industrial, chemical and/or hazardous wastes, regardless of the size of the system or systems, shall be submitted in duplicate to the Baldwin County Commission."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn	
Amari	Cabaniss	Figures	Langford	
Bailey	Campbell	Foshee	Manley	
Barron	Denton	Goodwin	Menton	
Bedford	Dial	Hand	Mitchem	
Bedsole	Dixon	Holmes	Parsons	
Bennett	Drinkard			—25

Nays: —0

And said Bill, H. B. 992, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Horn	
Amari	Cabaniss	Figures	Langford	
Bailey	Campbell	Foshee	Manley	
Barron	Denton	Goodwin	Menton	
Bedford	Dial	Hand	Mitchem	
Bedsole	Dixon	Holmes	Parsons	
Bennett	Drinkard			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 1051, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bennett	Foshee	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1051. Notice is hereby given of the intention to introduce and ask for passage at the present session of the Legislature of the State of Alabama of the following Act:

An Act to provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416, and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bennett	Foshee	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Bailey, B. I. R., H. B. 1061, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton
Bailey	Drinkard	Hilliard	Mitchem
Bedford	Ellis	Holmes	Parsons
Bedsole	Figures	Horn	Preuitt
Bennett	Foshee	Langford	Rice
Bishop	Goodwin	Manley	Sanders
Cabaniss	Hale		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1061. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Dixon	Hand	Menton	
Bailey	Drinkard	Hilliard	Mitchem	
Bedford	Ellis	Holmes	Parsons	
Bedsole	Figures	Horn	Preuitt	
Bennett	Foshee	Langford	Rice	
Bishop	Goodwin	Manley	Sanders	
Cabaniss	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Drinkard, B. I. R., H. B. 1038, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Drinkard	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1038. To levy an additional lodgings tax in Etowah County; to provide for the collection and distribution of net revenues generated by said tax; and to provide that the net proceeds of said tax shall be used exclusively for purposes of promoting tourism and beautification in Etowah County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hand	Menton	
Amari	Cabaniss	Hilliard	Mitchem	
Bailey	Campbell	Holmes	Parsons	
Barron	Drinkard	Horn	Preuitt	
Bedford	Foshee	Langford	Rice	
Bedsole	Goodwin	Manley	Sanders	
Bennett	Hale			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Bedford, B. I. R., H. B. 1039, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0**BILLS ON THIRD READING RESUMED****THE BILL:**

H. 1039. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Ellis	Holmes	Parsons	
Bedford	Figures	Horn	Preuitt	
deGraffenried	Foshee	Langford	Rice	
Denton	Goodwin	Manley	Sanders	
Dial	Hale	Menton	Smith (B)	
Dixon	Hand	Mitchem	Smith (J)	
Drinkard	Hilliard			—25

Nays: —0**BUDGET ISOLATION RESOLUTION**

Senator Drinkard, B. I. R., H. B. 1054, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Amari	Cabaniss	Horn	Preuitt	
Bailey	Campbell	Langford	Rice	
Barron	Drinkard	Manley	Sanders	
Bedford	Hale	Menton	Smith (B)	
Bedsole	Hand	Mitchem	Smith (J)	
Bennett	Hilliard			—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1054. Relating to the City of Gadsden in Etowah County; to provide that civil service board members shall receive compensation in the amount of \$50.00 a month.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons
Amari	Cabaniss	Horn	Preuitt
Bailey	Campbell	Langford	Rice
Barron	Drinkard	Manley	Sanders
Bedford	Hale	Menton	Smith (B)
Bedsole	Hand	Mitchem	Smith (J)
Bennett	Hilliard		

—25

Nays:

—0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 1036, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Parsons
Amari	Cabaniss	Ellis	Preuitt
Bailey	Campbell	Figures	Rice
Barron	deGraffenried	Foshee	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Mitchem	Smith (J)
Bennett	Dixon		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1036. To amend Act No. 274, H. 990, 1975 Regular Session (Acts of 1975, p. 809), as amended, which provided that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754), which provided a civil service system for the employees of the sheriff's office of Calhoun County, shall apply to certain regular employees of Calhoun County, so as to except certain persons from the application of said act; further to provide that the Civil Service Board of Calhoun County, Alabama shall be authorized to select and retain legal counsel of its own choice; and further to provide for the annual appropriation for the said board.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Parsons	
Amari	Cabaniss	Ellis	Preuitt	
Bailey	Campbell	Figures	Rice	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Mitchem	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Holmes, B. I. R., H. B. 1037, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Parsons	
Amari	Cabaniss	Ellis	Preuitt	
Bailey	Campbell	Figures	Rice	
Barron	deGraffenried	Foshee	Sanders	
Bedford	Denton	Holmes	Smith (B)	
Bedsole	Dial	Mitchem	Smith (J)	
Bennett	Dixon			—25

Nays: —0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1037. To authorize the Calhoun County Commission to impose excise taxes on persons, corporations, partnerships, companies, agencies, associations, trusts, estates and other entities engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in Calhoun County not to exceed two cents (\$.02) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Calhoun County Commission to make reasonable rules and regulations for the collection of such taxes, to provide for the enforcement of this act and to fix a penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Calhoun County Commission for the collection of said taxes and to provide for an advisory referendum or election of the qualified electors of Calhoun County as to whether the excise tax should be imposed by the Calhoun County Commission.

was taken up.

Senator Holmes offered the following amendment to the Bill, H. B. 1037, to-wit:

AMENDMENT TO H. B. 1037

Amend H. B. 1037, Section 3, Page 4, line 11 by inserting after the word "thereof", to immediately precede the comma, the following language:

, the federal government or any agency thereof

further amend H. B. 1037, Section 2 (3), Page 2, line 12 by striking the word "any" and insert in place thereof, the word "this".

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Parsons
Amari	Cabaniss	Ellis	Preuitt
Bailey	Campbell	Figures	Rice
Barron	deGraffenried	Foshee	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Mitchem	Smith (J)
Bennett	Dixon		

—25

Nays: —0

And said Bill, H. B. 1037, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Parsons
Amari	Cabaniss	Ellis	Preuitt
Bailey	Campbell	Figures	Rice
Barron	deGraffenried	Foshee	Sanders
Bedford	Denton	Holmes	Smith (B)
Bedsole	Dial	Mitchem	Smith (J)
Bennett	Dixon		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Figures, B. I. R., H. B. 813, adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Manley
Bailey	Denton	Hale	Preuitt
Bedsole	Dixon	Hand	Rice
Bennett	Ellis	Holmes	Sanders
Cabaniss	Figures	Horn	Smith (B)
Campbell	Foshee	Langford	

—22

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 813. Relating to the Alabama Department of Forensic Sciences; to authorize the transfer of two drug chemists from the Mobile City Laboratory into the Alabama Department of Forensic Sciences Mobile Laboratory; to authorize their appointment from the Certified List of Eligibles regardless of their standing on the list and to provide for any accrued retirement benefits to be handled as per current law.

WHEREAS, the City of Mobile Police Department now funds and operates a city drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences now funds and operates a similar drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences provides drug chemistry testing and other forensic services to all other Alabama cities and counties; and

WHEREAS, the City of Mobile and the Alabama Department of Forensic Sciences desire to reduce taxpayer costs; and

WHEREAS, both agencies desire to consolidate the drug chemistry laboratories in Mobile; and

WHEREAS, the two city employees are now on the appropriate Merit System register of qualified applicants; and

WHEREAS, the acceptance of the two employees will not violate, but indeed will enhance the pertinent federal court order on state hiring; now therefore,

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Campbell	Foshee	Holmes
Bedford	deGraffenried	Goodwin	Horn
Bedsole	Denton	Hale	Langford
Bennett	Dixon	Hand	Manley
Bishop	Ellis	Hilliard	Smith (B)
Cabaniss	Figures		

—21

Nays:

—0

Senator Bedford requested permission to suspend the Rules in order to bring up the following Bill:

H. 500. To amend Section 9-17-1 and Section 9-17-33, Code of Alabama (1975), as amended, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

Upon objection, the request was denied.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., H. B. 1020, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	deGraffenried	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1020. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	deGraffenried	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B. I. R., H. B. 1042, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Mitchem	
Bennett	Ellis	Holmes	Parsons	
Bishop	Figures	Horn	Sanders	
Cabaniss	Foshee			—25

Nays:

—0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 1042. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Langford	
Barron	Dial	Hale	Manley	
Bedford	Dixon	Hand	Menton	
Bedsole	Drinkard	Hilliard	Mitchem	
Bennett	Ellis	Holmes	Parsons	
Bishop	Figures	Horn	Sanders	
Cabaniss	Foshee			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Mathis, Williams, Carothers, Beasley, and Holley:

H. J. R. 515. DESIGNATING A PORTION OF THE OLD HIGHWAY 231 IN DALE AND HOUSTON COUNTIES, THE "PHILLIP J. HAMM DRIVE."

Also:

By Reps. Kvalheim, Gaston, and Marietta:

H. J. R. 520. COMMENDING DR. SVEN-PETER MANNSFELD, MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 515 and 520, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 502. CONGRATULATING THE CLASS OF 1938 OF TALLAPOOSA COUNTY HIGH SCHOOL ON THEIR 50TH CLASS RE-UNION.

Also:

By Rep. Turnham:

H. J. R. 505. CONGRATULATING THE AUBURN UNIVERSITY WOMEN'S BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Goodwin and Coburn:

H. J. R. 511. DESIGNATING MAY 19, 1988, AS "MARSHALL NEW-MAN DAY" IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 502, 505, and 511, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Poole:

H. J. R. 508. NAMING A PORTION OF ALABAMA HIGHWAY 69, THE "MOUND STATE PARKWAY."

Also:

By Rep. Williams:

H. J. R. 510. COMMENDING MRS. JOSEPHINE GULLAGE, CERTIFIED MUNICIPAL CLERK OF MIDLAND CITY.

Also:

By Reps. Ford, Junkins, Bugg, and Burke:

H. J. R. 513. NAMING THE BASEBALL FIELD AT GADSDEN STATE COMMUNITY COLLEGE, GADSDEN, ALABAMA, THE "COY ARMSTRONG BASEBALL FIELD."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Manley, the Rules were suspended and the Resolutions, H. J. R.'s 508, 510, and 513, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 465. To amend Sections 41-10-20, 41-10-22, 41-10-26, and 41-10-27 of the Code of Alabama 1975, relating to the State Industrial Development Authority, so as to provide further for the composition of such authority, to authorize grants for infrastructures; to provide for matching grants and to permit contributions toward such grants; to permit adoption of guidelines for grants, and to set limits and conditions for the issuance of bonds; and to make legislative findings with respect to the need for additional powers of the State Industrial Development Authority; to provide definitions of certain terms; to grant additional powers to the Authority, including the power to issue notes, bonds and other forms of obligations for the purpose of financing industrial and commercial projects; to provide for the source of payment and security for such obligations; to provide for the means of execution of such obligations and for general provisions respecting the form, interest rate, maturity, sale and negotiability of such obligations; to declare that obligations of the Authority shall be legal investments; to provide for the use and disposition of the proceeds from the sale of obligations of the Authority and the revenues and receipts derived from project financings; to permit the issuance of refunding obligations; to provide for the publication of notice for the purpose of validating obligations of the Authority; to provide that the Authority, all income and property of the Authority and obligations issued by the Authority shall be exempt from taxation in the State of Alabama; to provide for exemptions from the usury and interest laws and the competitive bid laws of the State of Alabama; to provide that the Authority shall be free from the supervision and control of the state, except that the Authority shall be subject to audit by the Examiners of Public Accounts; to provide that the earnings of the Authority shall not inure to the benefit of any individual, firm or corporation; to expand further the powers of the Authority by providing for a method of allocating the "state ceiling" and authorizing the Authority to provide for the method of filing applications for allocations of a portion of the "state ceiling" made by the Authority applicable to tax-exempt bonds; to establish expiration and reversion dates for allocations of "state ceiling" and conditions subsequent to such allocations; to allocate the entire "state ceiling" to the state, subject

to redistribution by the Authority; to reserve certain portions of the "state ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "state ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "state ceiling" at the discretion of the Authority; to impose certain limitations upon allocations made by the Authority to local issuers of affected bonds; to provide a procedure for carryforward allocations; and to designate the President of the Authority as the state official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

And the Speaker of the House has appointed as Committee on part of the House, Representatives Slaughter, Box, and Harper.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hettinger, Grayson, Butler, Brooks, and Freeman:

H. J. R. 517. URGING THE STATE HIGHWAY DEPARTMENT TO ERECT CERTAIN SIGNS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the State Highway Department to erect directional signs along Interstate 65 indicating the route and distance to the City of Huntsville.

BE IT FURTHER RESOLVED, That we hereby urge the State Highway Department to participate in the construction of a sign on U.S. Highway 231 in Huntsville directing traffic to the Joe Davis Stadium.

RESOLVED FURTHER, That a copy of this resolution be sent forthwith to the Director of the State Highway Department.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 517, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Preuitt offered the following Senate Joint Resolution, to-wit:

S. J. R. 228. COMMENDING MARIAH BRADFORD BRYMER OF ROCKFORD, ALABAMA, FOR DISTINGUISHED SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the distinguished service rendered by Mariah Bradford Brymer of

Rockford, Alabama, with the Alabama Cooperative Extension Service, Auburn University, from 1963-1988; and

WHEREAS, a graduate of Elmore County Training School, Mrs. Brymer holds both the B.S. and M.Ed. degrees from Tuskegee University, and is a former teacher and/or instructor of Home Economics, having served variously from 1948 to 1963 on both the high school and junior college levels; and

WHEREAS, Mrs. Brymer, however, has been employed since June 1, 1963, as County Agent-Coordinator in Rockford, Alabama, and her imminent retirement brings to a close a distinguished professional tenure of some 25 years; and

WHEREAS, Mariah B. Brymer has indeed distinguished herself in service to ACES and has further contributed to her profession through membership and activities of the Alabama, American and International Home Economic Associations, the Alabama and National Associations of Extension Home Economists and the Alabama Cooperative Extension Service Employees Organization; and

WHEREAS, she further has been recognized for achievement and service through such distinctions and inclusions as Alpha Kappa Mu Honor Society, Who's Who in American Women, Who's Who Personality of the South, and with both Outstanding and Distinguished Service Awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mariah Bradford Brymer of Rockford, Alabama, for outstanding professional accomplishment and on her distinguished career with the Alabama Cooperative Extension Service since 1963.

BE IT FURTHER RESOLVED, That in token of our sincere praise and regard, a copy of this resolution shall be presented to Mrs. Brymer.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

S. J. R. 229. NAMING THE WRIGHT S. GILCHRIST ROOM IN THE ALABAMA SCHOOL FOR THE DEAF STUDENT CENTER.

WHEREAS, Mr. Wright S. Gilchrist served with honor and distinction as a staff member and teacher at the Alabama Institute for Deaf and Blind's Alabama School for the Deaf until his retirement in 1968; and

WHEREAS, Mr. Gilchrist, a native of Brantley in Crenshaw County, Alabama, entered ASD in 1906 and graduated with the Class of 1921, then attended Gallaudet College in Washington, D. C.; and

WHEREAS, his service to AIDB and in particular to his alma mater, the Alabama School for the Deaf, covered a span of 20 years as a boys' dormitory supervisor and 26 years in the academic department, serving under eight presidents of the institution; and

WHEREAS, along with his wife, the former Katherine Helen Mann, he has continued to mean much to AIDB and its friends, especially to the deaf population by serving in many capacities designed to improve the quality of life for the deaf and hearing impaired; and

WHEREAS, he has been honored by the ASD Alumni Association for his service and for his involvement with the AIDB Chapel Fund and the AIDB Foundation, and the Board of Trustees at the Alabama Institute for Deaf and Blind, at its regular meeting held in Talladega, Alabama, on February 18, 1988, did further honor Mr. Gilchrist by approving a resolution to designate the multi-purpose room of the Alabama School for the Deaf Student Center as the WRIGHT S. GILCHRIST ROOM; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby do name and designate the multi-purpose room of the ASD Student Center as the WRIGHT S. GILCHRIST ROOM out of the respect and honor Mr. Gilchrist has brought his alma mater.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain signs in the area of designation, and that copies of this resolution shall be forwarded to Mr. Gilchrist and to the Alabama Institute for Deaf and Blind.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Preuitt then offered the following Senate Joint Resolution, to-wit:

S. J. R. 230. NAMING THE ROGERS SMITH INDEPENDENT LIVING CENTER AT THE ALABAMA SCHOOL FOR THE BLIND.

WHEREAS, in 1977, Mr. Benjamin Rogers Smith, of Letohatchee, Alabama, was named a member of the Board of Trustees, Alabama Institute for Deaf and Blind, and since his appointment has served Alabama's deaf and blind with distinction and honor; and

WHEREAS, even long before his commitment that sensory impaired persons have representation on the AIDB Board of Trustees, he labored to improve not only his own station in life, but to assist others with blindness and visual impairment to convince the public of their God-given talents and abilities; and

WHEREAS, along with his devoted wife of almost 56 years, the former Mildred Plant, he has continued to serve the blind population and its many friends and this institution, its alumni, and supporters in an outstanding manner; and

WHEREAS, the Board of Trustees of the Alabama Institute for Deaf and Blind, at its regular meeting in Talladega, Alabama, on the 18th day of February 1988, saw fit to recognize Mr. Smith for his many contributions to the AIDB and in particular to his alma mater, the Alabama School for the Blind, by recommending that a building on the campus of ASB be named in his honor and designated as the Rogers Smith Independent Living Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate this building, honoring the name of one long associated with the improvement of the quality of life for the blind and visually impaired in the State of Alabama, as the Rogers Smith Independent Living Center.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain signs on this building so designating it as the Rogers

Smith Independent Living Center and that copies of this resolution shall be sent to Mr. Smith and to the Alabama Institute for Deaf and Blind.

On motion of Senator Manley, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO RECESS LOST

At 8:25 A.M., Senator Manley moved that the Senate take a recess subject to the call of the Chair, which motion was lost.

Yeas 14; Nays 19.

Yeas:

Senators:	deGraffenried	Hale	Preuitt	
Barron	Dial	Hand	Smith (B)	
Bedsole	Dixon	Manley	Smith (J)	
Cabaniss	Ellis	Mitchem		—14

Nays:

Senators:	Bishop	Foshee	Langford	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Hilliard	Parsons	
Bedford	Denton	Holmes	Rice	
Bennett	Figures	Horn	Sanders	—19

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Budget Isolation Resolution for the Bill, H. B. 151.

BUDGET ISOLATION RESOLUTION

Senator Figures, B. I. R., H. B. 151, lost.

Yeas 11; Nays 19.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Hale	Mitchem	
Barron	Dial	Hand	Preuitt	
Bedsole	Dixon	Manley	Rice	—11

Nays:

Senators:	Bishop	Figures	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Corbett	Goodwin	Menton	
Bedford	Denton	Hilliard	Parsons	
Bennett	Ellis	Holmes	Sanders	—19

Abstaining: Senator Smith (B)

—1

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 231. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking

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precedence over all other matters upon reaching bills on third reading for the thirtieth legislative day of the 1988 Regular Session only:

Inst Id	Page
H. 493	11
Campaign finance disclosure, campaign committees, registration of political committees, contributions and expenditures by political committees, Secs. 17-22-1 through 17-22-15 repealed.	
H. 135	70
Education Budget, approp. for support, maintenance and development of public education.	
H. 134	9
General fund budget and interest on public debt for fiscal yr. 9-30-89.	
H. 11	42
State employees, pay incr.	
H. 340	50
Ed. emp.'s and retirees, pay increase and supplemental approp.	
H. 153	10
Child Sexual Abuse Victim Protection Act of 1988, created	
H. 674	62
Schools systems, minimum stds. of accountability req., monitoring and enforcement procedures, St. Bd. of Ed. to administer.	

Senator Figures offered the following substitute for the Resolution, S. R. 231, to-wit:

SUBSTITUTE FOR S. R. 231

S. R. 231. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE Immediately upon adoption of this resolution, That the following bills shall be the paramount and continuing order of business for the 30th legislative day.

Inst Id		Page
H. B. 135	ASETF	70
H. B. 134	General Fund	9
H. B. 340	Teachers Raise	50
H. B. 11	State Emp. Raise	42
H. B. 333	Adem Chem Waste	30
H. B. 671	Rev Mobile Home Tax Com AM/FL	52
H. B. 472	ABC Local Collect C S/F S	53

H. B. 276	DPS Driver Records EL amend	22
H. B. 278	DPS Duplicate LIC	21
H. B. 506	Insur Prem Tax Exam	52
H. B. 458	Rev GST Tax	21
H. B. 861	Rev Motor Veh. Uni	37
H. B. 394	Rev unclaimed Prop	36
H. B. 279	DPS learner's Lic EL amend	31
H. B. 187	Securities Comm fee C A/FL A	31
H. B. 181	DPH County Fees Com/FL AMS	20
H. B. 280	DPS Accident Report	25
H. B. 275	DPS Crim Records EL amend	24
H. B. 273	DPS off Testimony	24
H. B. 493	Disclosure Bill (Campaign)	11
H. B. 989	Income Tax	47
H. B. 1024	Income Tax	47
H. B. 674	Education (Accountability)	62
H. B. 253	Lyman Ward	67
H. B. 237	Marion Military	65
H. B. 236	Syl Nursing Training	65
H. B. 238	Talladega	66
H. B. 245	Walker Co. J. C.	66
H. B. 244	Tuskegee	66
H. B. 1052	Mental Health/M. R.	69
H. B. 694	St. Treas. (Supp)	37
H. B. 254	So. Research Inst.	67
H. B. 252	Shakespeare Festival	48
H. B. 998	Ft. Gaines	44
H. B. 256	Ft. Gaines	34
H. B. 999	Helen Keller	45
H. B. 258	Helen Keller	34
H. B. 247	Mallard Fox	48
H. B. 265	Pea River	49
H. B. 993	Pea River	42
H. B. 243	Wallace Ind Air Park	50

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H. B. 1058	Mtn Lakes Tourist Assn	69
H. B. 260	America's Jr. Miss	49
H. B. 263	Brierfield Iron Wks	35
H. B. 997	Brierfield Ironworks	44
H. B. 241	Coosa AL Riv Imp As	50
H. B. 996	De Soto Comm	43
H. B. 259	De Soto Comm	35
H. B. 667	Leag Adv Ed	69
H. B. 1013	Publ Lib Serv	41
H. B. 231	Special Schools	64
H. B. 414	So. Museum of Flight	45
H. B. 995	Lee Co Hist. Soc	43
H. B. 265	Lee County Hist. Soc	49
H. B. 994	Ft. Payne Depot	43
H. B. 264	Ft. Payne Depot	36
H. B. 153	Child victim and sexual abuse Act 1988, created	10

Senator Drinkard moved that said substitute be laid on the table, which motion was lost.

Yeas 15; Nays 19.

Yeas:

Senators:	Dial	Hale	Preuitt	
Barron	Dixon	Hand	Rice	
Bedsole	Drinkard	Manley	Smith (B)	
Cabaniss	Ellis	Mitchem	Smith (J)	—15

Nays:

Senators:	Bishop	Figures	Horn	
Amari	Campbell	Foshee	Langford	
Bailey	Corbett	Goodwin	Menton	
Bedford	deGraffenried	Hilliard	Parsons	
Bennett	Denton	Holmes	Sanders	—19

Senator Drinkard then offered the following substitute No. 1 for the Figures substitute for the Resolution, S. R. 231, to-wit:

SUBSTITUTE NO. 1 FOR SUBSTITUTE FOR S. R. 231

S. R. 231. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business taking precedence over all other matters for the 30th legislative day.

Inst Id		Page
H. B. 493		11
H. B. 135	ASETf	70
H. B. 134	General Fund	9
H. B. 340	Teachers Raise	50
H. B. 11	State Emp. Raise	42
H. B. 153		10
H. B. 333	Adem Chem Waste	30
H. B. 671	Rev Mobile Home Tax Com AM/FL	52
H. B. 472	ABC Local Collect C S/F S	53
H. B. 276	DPS Driver Records EL amend	22
H. B. 278	DPS Duplicate LIC	21
H. B. 506	Insur Prem Tax Exam	52
H. B. 458	Rev GST Tax	21
H. B. 861	Rev Motor Veh. Uni	37
H. B. 394	Rev unclaimed Prop	36
H. B. 279	DPS leaner's Lic EL amend	31
H. B. 187	Securities Comm fee C A/FL A	31
H. B. 181	DPH County Fees Com/FL AMS	20
H. B. 280	DPS Accident Report	25
H. B. 275	DPS Crim Records EL amend	24
H. B. 273	DPS off Testimony	24
H. B. 989	Income Tax	47
H. B. 1024	Income Tax	47
H. B. 674	Education (Accountability)	62
H. B. 253	Lyman Ward	67
H. B. 237	Marion Military	65
H. B. 236	Syl Nursing Training	65
H. B. 238	Talladega	66
H. B. 245	Walker Co. J. C.	66
H. B. 244	Tuskegee	66
H. B. 1052	Mental Health/M. R.	69
H. B. 694	St. Treas. (Supp)	37
H. B. 254	So. Research Inst.	67

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H. B. 252	Shakespeare Festival	48
H. B. 998	Ft. Gaines	44
H. B. 256	Ft. Gaines	34
H. B. 999	Helen Keller	45
H. B. 258	Helen Keller	34
H. B. 247	Mallard Fox	48
H. B. 265	Pea River	49
H. B. 993	Pea River	42
H. B. 243	Wallace Ind Air Park	50
H. B. 1058	Mtn Lakes Tourist Assn	69
H. B. 260	America's Jr. Miss	49
H. B. 263	Brierfield Iron Wks	35
H. B. 997	Brierfield Ironworks	44
H. B. 241	Coosa AL Riv Imp As	50
H. B. 996	De Soto Comm	43
H. B. 259	De Soto Comm	35
H. B. 667	Leag Adv Ed	69
H. B. 1013	Publ Lib Serv	41
H. B. 231	Special Schools	64
H. B. 414	So. Museum of Flight	45
H. B. 995	Lee Co Hist. Soc	43
H. B. 265	Lee County Hist. Soc	49
H. B. 994	Ft. Payne Depot	43
H. B. 264	Ft. Payne Depot	36

On motion of Senator Figures, said substitute was laid on the table.

Yeas 18; Nays 16.

Yeas:

Senators:	Bishop	Foshee	Langford
Amari	Campbell	Goodwin	Menton
Bailey	Corbett	Hilliard	Parsons
Bedford	Denton	Holmes	Sanders
Bennett	Figures	Horn	

Nays:

Senators:	Dial	Hale	Preuitt
Barron	Dixon	Hand	Rice
Bedsole	Drinkard	Manley	Smith (B)
Cabaniss	Ellis	Mitchem	Smith (J)
deGraffenried			

—16

Senator Drinkard then offered the following substitute No. 2 for the Figures substitute for the Resolution, S. R. 231, to-wit:

SUBSTITUTE NO. 2 FOR SUBSTITUTE FOR S. R. 231**S. R. 231. SPECIAL ORDER CALENDAR.**

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business taking precedence over all other matters for the 30th legislative day.

Inst Id		Page
H. B. 493		11
H. B. 135	ASETF	70
H. B. 134	General Fund	9
H. B. 340	Teachers Raise	50
H. B. 153		10
H. B. 11	State Emp. Raise	42
H. B. 306		29
H. B. 333	Adem Chem Waste	30
H. B. 671	Rev Mobile Home Tax Com AM/FL	52
H. B. 472	ABC Local Collect C S/F S	53
H. B. 276	DPS Driver Records EL amend	22
H. B. 278	DPS Duplicate LIC	21
H. B. 506	Insur Prem Tax Exam	52
H. B. 458	Rev GST Tax	21
H. B. 861	Rev Motor Veh. Uni	37
H. B. 394	Rev unclaimed Prop	36
H. B. 279	DPS learner's Lic EL amend	31
H. B. 187	Securities Comm fee C A/FL A	31
H. B. 181	DPS County Fees Com/FL AMS	20
H. B. 280	DPS Accident Report	25
H. B. 275	DPS Crim Records EL amend	24
H. B. 273	DPS off Testimony	24

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H. B. 989	Income Tax	47
H. B. 1024	Income Tax	47
H. B. 674	Education (Accountability)	62
H. B. 253	Lyman Ward	67
H. B. 237	Marion Military	65
H. B. 236	Syl Nursing Training	65
H. B. 238	Talladega	66
H. B. 245	Walker Co. J. C.	66
H. B. 244	Tuskegee	66
H. B. 1052	Mental Health/M. R.	69
H. B. 694	St. Treas. (Supp)	37
H. B. 254	So. Research Inst.	67
H. B. 252	Shakespeare Festival	48
H. B. 998	Ft. Gaines	44
H. B. 256	Ft. Gaines	34
H. B. 999	Helen Keller	45
H. B. 258	Helen Keller	34
H. B. 247	Mallard Fox	48
H. B. 265	Pea River	49
H. B. 993	Pea River	42
H. B. 243	Wallace Ind Air Park	50
H. B. 1058	Mtn Lakes Tourist Assn	69
H. B. 260	America's Jr. Miss	49
H. B. 263	Brierfield Iron Wks	35
H. B. 997	Brierfield Ironworks	44
H. B. 241	Coosa AL Riv Imp As	50
H. B. 996	De Soto Comm	43
H. B. 259	De Soto Comm	35
H. B. 667	Leag Adv Ed	69
H. B. 1013	Publ Lib Serv	41
H. B. 231	Special Schools	64
H. B. 414	So. Museum of Flight	45
H. B. 995	Lee Co Hist. Soc	43
H. B. 265	Lee County Hist. Soc	49

H. B. 994	Ft. Payne Depot	43
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H. B. 264	Ft. Payne Depot	36
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On motion of Senator Figures, said substitute was laid on the table.

Yeas 18; Nays 16.

Yeas:

Senators:	Bishop	Foshee	Langford	
Amari	Campbell	Goodwin	Menton	
Bailey	Corbett	Hilliard	Parsons	
Bedford	Denton	Holmes	Sanders	
Bennett	Figures	Horn		—18

Nays:

Senators:	Dial	Hale	Preuitt	
Barron	Dixon	Hand	Rice	
Bedsole	Drinkard	Manley	Smith (B)	
Cabaniss	Ellis	Mitchem	Smith (J)	
deGraffenried				—16

Senator Mitchem offered the following substitute for the Figures substitute for the Resolution, S. R. 231, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. R. 231

S. R. 231. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business for the 30th legislative day.

Inst Id		Page
H. B. 153	Child Victim Sexual Abuse	10
H. B. 340	Teacher Raises	50
H. B. 11	State Employees Raise	42
H. B. 134	General Fund	9
H. B. 135	ASETF	70
H. B. 333	Adem Chem Waste	30
H. B. 671	Rev Mobile Home Tax Com AM/FL	52
H. B. 472	ABC Local Collect C S/F S	53
H. B. 276	DPS Driver Records EL amend	22
H. B. 278	DPS Duplicate LIC	21
H. B. 506	Insur Prem Tax Exam	52
H. B. 458	Rev GST Tax	21
H. B. 861	Rev Motor Veh. Uni	37
H. B. 394	Rev unclaimed Prop	36
H. B. 279	DPS learner's Lic EL amend	31

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H. B. 187	Securities Comm fee C A/FL A	31
H. B. 181	DPH County Fees Com/FL AMS	20
H. B. 280	DPS Accident Report	25
H. B. 275	DPS Crim Records EL amend	24
H. B. 273	DPS off Testimony	24
H. B. 493	Disclosure Bill (Campaign)	11
H. B. 989	Income Tax	47
H. B. 1024	Income Tax	47
H. B. 674	Education (Accountability)	62
H. B. 253	Lyman Ward	67
H. B. 237	Marion Military	65
H. B. 236	Syl Nursing Training	65
H. B. 238	Talladega	66
H. B. 245	Walker Co. J. C.	66
H. B. 244	Tuskegee	66
H. B. 1052	Mental Health/M. R.	69
H. B. 694	St. Treas. (Supp)	37
H. B. 254	So. Research Inst.	67
H. B. 252	Shakespeare Festival	48
H. B. 998	Ft. Gaines	44
H. B. 256	Ft. Gaines	34
H. B. 999	Helen Keller	45
H. B. 258	Helen Keller	34
H. B. 247	Mallard Fox	48
H. B. 265	Pea River	49
H. B. 993	Pea River	42
H. B. 243	Wallace Ind Air Park	50
H. B. 1058	Mtn Lakes Tourist Assn	69
H. B. 260	America's Jr. Miss	49
H. B. 263	Brierfield Iron Wks	35
H. B. 997	Brierfield Ironworks	44
H. B. 241	Coosa AL Riv Imp As	50
H. B. 996	De Soto Comm	43
H. B. 259	De Soto Comm	35

H. B. 667	Leag Adv Ed	69
H. B. 1013	Publ Lib Serv	41
H. B. 231	Special Schools	64
H. B. 414	So. Museum of Flight	45
H. B. 995	Lee Co Hist. Soc	43
H. B. 265	Lee County Hist. Soc	49
H. B. 994	Ft. Payne Depot	43
H. B. 264	Ft. Payne Depot	36

On motion of Senator Figures, said substitute was laid on the table.

Yeas 17; Nays 14.

Yeas:

Senators:	Bishop	Foshee	Horn
Amari	Campbell	Goodwin	Langford
Bailey	Corbett	Hilliard	Menton
Bedford	Denton	Holmes	Sanders
Bennett	Figures		

—17

Nays:

Senators:	Dial	Hale	Rice
Barron	Dixon	Hand	Smith (B)
Bedsole	Drinkard	Mitchem	Smith (J)
Cabaniss	Ellis	Preuitt	

—14

Senator Smith (J) offered the following substitute for the Figures substitute for the Resolution, S. R. 231, to-wit:

SUBSTITUTE FOR SUBSTITUTE FOR S. R. 231

S. R. 231. SPECIAL ORDER CALENDAR.

RESOLVED BY THE SENATE, That the following bills shall be the paramount and continuing order of business taking precedence over all other matters for the 30th legislative day.

Inst Id		Page
H. B. 135	ASETF	70
H. B. 134	General Fund	9
H. B. 340	Teachers Raise	50
H. B. 11	State Emp. Raise	42
H. B. 153	Child Victim's Sexual Abuse Act, 1988	10
H. B. 333	Adem Chem Waste	30
H. B. 671	Rev Mobile Home Tax Com AM/FL	52
H. B. 472	ABC Local Collect C S/F S	53
H. B. 276	DPS Driver Records EL amend	22

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H. B. 278	DPS Duplicate LIC	21
H. B. 506	Insur Prem Tax Exam	52
H. B. 458	Rev GST Tax	21
H. B. 861	Rev Motor Veh. Uni	37
H. B. 394	Rev unclaimed Prop	36
H. B. 279	DPS learner's Lic EL amend	31
H. B. 187	Securities Comm fee C A/FL A	31
H. B. 181	DPH County Fees Com/FL AMS	20
H. B. 280	DPS Accident Report	25
H. B. 275	DPS Crim Records EL amend	24
H. B. 273	DPS off Testimony	24
H. B. 493	Disclosure Bill (Campaign)	11
H. B. 989	Income Tax	47
H. B. 1024	Income Tax	47
H. B. 674	Education (Accountability)	62
H. B. 253	Lyman Ward	67
H. B. 237	Marion Military	65
H. B. 236	Syl Nursing Training	65
H. B. 238	Talladega	66
H. B. 245	Walker Co. J. C.	66
H. B. 244	Tuskegee	66
H. B. 1052	Mental Health/M. R.	69
H. B. 694	St. Treas. (Supp)	37
H. B. 254	So. Research Inst.	67
H. B. 252	Shakespeare Festival	48
H. B. 998	Ft. Gaines	44
H. B. 256	Ft. Gaines	34
H. B. 999	Helen Keller	45
H. B. 258	Helen Keller	34
H. B. 247	Mallard Fox	48
H. B. 265	Pea River	49
H. B. 993	Pea River	42
H. B. 243	Wallace Ind Air Park	50
H. B. 1058	Mtn Lakes Tourist Assn	69

H. B. 260	America's Jr. Miss	49
H. B. 263	Brierfield Iron Wks	35
H. B. 997	Brierfield Ironworks	44
H. B. 241	Coosa AL Riv Imp As	50
H. B. 996	De Soto Comm	43
H. B. 259	De Soto Comm	35
H. B. 667	Leag Adv Ed	69
H. B. 1013	Publ Lib Serv	41
H. B. 231	Special Schools	64
H. B. 414	So. Museum of Flight	45
H. B. 995	Lee Co Hist. Soc	43
H. B. 265	Lee County Hist. Soc	49
H. B. 994	Ft. Payne Depot	43
H. B. 264	Ft. Payne Depot	36

On motion of Senator Figures, said substitute was laid on the table.

Yeas 17; Nays 14.

Yeas:

Senators:	Bishop	Foshee	Horn
Amari	Campbell	Goodwin	Langford
Bailey	Corbett	Hilliard	Menton
Bedford	Denton	Holmes	Sanders
Bennett	Figures		

—17

Nays:

Senators:	Dial	Hale	Rice
Barron	Dixon	Hand	Smith (B)
Bedsole	Drinkard	Mitchem	Smith (J)
Cabaniss	Ellis	Preuitt	

—14

The question then recurred on the Figures substitute for the Resolution, S. R. 231, which was adopted.

Yeas 20; Nays 10.

Yeas:

Senators:	Campbell	Goodwin	Menton
Amari	Corbett	Hilliard	Parsons
Bailey	Denton	Holmes	Rice
Bedford	Figures	Horn	Sanders
Bennett	Foshee	Langford	Smith (B)
Bishop			

—20

Nays:

Senators:	deGraffenried	Hale	Mitchem
Bedsole	Dixon	Hand	Preuitt
Cabaniss	Ellis	Manley	

—10

And on motion of Senator Figures, said Resolution, S. R. 231, as thus amended by the Figures substitute, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 747. To provide for the organization of a public corporation in the state to be known as Alabama Mental Health Finance Authority; to designate the officers and members of the board of directors of the Authority; to prescribe the powers of the Authority, including the power to provide for the acquisition, construction, improvement and equipping of mental health facilities (including interests in land), consisting of mental health centers and facilities for the treatment and care of the mentally ill, mentally retarded, alcoholism or drug addiction and to finance such construction by the issuance of its bonds; to provide that such bonds and the income therefrom shall be exempt from all taxation, and that such bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and for investment of trust funds, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to permit the establishment of trust funds in connection with such refunding bonds; to provide for the disposition of bond proceeds not used to acquire mental health facilities; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of that portion of the proceeds from the special tax levied by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, that is required to be distributed to the Authority by the provisions of an act adopted at the 1988 Regular Session of the Legislature of Alabama that was introduced as House Bill No. 748, to the extent necessary to pay the principal of and the interest on bonds of the Authority as such principal and interest mature; to authorize the Authority to pledge such funds for payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from such funds, but that the said bonds will nevertheless constitute negotiable instruments; to provide that the state treasurer shall be custodian of the funds of the Authority; to provide for the dissolution of the Authority; and to repeal Act No. 277, adopted at the 1967 Regular Session of the Legislature of Alabama which provides for the Alabama Mental Health Building Authority.

Also:

H. 748. To amend Section 40-25-23, Code of Alabama 1975, to provide that the revenues derived from the tax levied upon cigarettes by Sections 40-25-2 and 40-25-41 of the Code of Alabama 1975, so as to provide that the twelve and twelve one hundredths percent of the said tax shall be used first to pay bonds of the state issued for acquisition and construction of mental health facilities under Amendment 266 to the Constitution of Alabama and second, to any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of an act adopted at the 1988 Regular

Session of the Legislature of Alabama that was introduced as H Bill No. 747; to correct a typographical error in Section 40-25-23, subsection (1)b.1(vii); to change references to the mental health board to the Department of Mental Health and Mental Retardation provided for in Chapter 50 of Subtitle 2 of Title 22 of the Code of Alabama 1975; and to delete the provisions for distribution of proceeds of the said tax to Alabama Mental Health Building Authority.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Figures requested and received permission to suspend the Rules in order to bring up the following B. I. R. and Bill, to-wit:

Senator Figures, B. I. R., H. B. 1040, adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	deGraffenried	Hand	Preuitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 1040. Relating to Mobile County; to authorize the incorporation of public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may be able to develop land as sites for industrial parks in Mobile County which shall be deemed to include the provision of water, sewage, drainage, transportation, and communication facilities and other similar facilities which are incidental to the use of land as an industrial park; to provide for the election and compensation of directors of any such corporation; to provide for the powers and duties of any such corporation and its board of directors; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall

constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this act shall not constitute or create a debt of the county, or of any municipality or political subdivision of the county; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation, including license and excise taxes, levied by the county or any municipality, or political subdivision of the county; and to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all such taxation.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Campbell	Goodwin	Parsons
Amari	deGraffenried	Hand	Pruitt
Bailey	Denton	Holmes	Rice
Barron	Dial	Horn	Sanders
Bedsole	Dixon	Langford	Smith (B)
Bishop	Drinkard	Menton	Smith (J)
Cabaniss	Figures		

—25

Nays: —0

RESOLUTIONS

Senators Rice and Corbett offered the following Senate Resolution, to-wit:

S. R. 232. MOURNING THE DEATH OF HOWARD FRANK BROWN OF AUBURN, ALABAMA.

Which was filed.

Senators Dial and Pruitt offered the following Senate Resolution, to-wit:

S. R. 233. COMMENDING MR. BILL FRANCE, JR.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the Bill:

H. 341. To levy a tax on all tobacco products; to amend section 40-25-23, Code of Alabama 1975, relating to the disposition of revenue collected under the tobacco tax, so as to provide further for said disposition of revenue; to provide for the elimination of all tobacco taxes by any city, town or county; to amend section 40-25-41, Code of Alabama 1975, relating to the use tax on tobacco products, so as to provide further for said tax; and to repeal sections 40-25-2, 40-25-3, 40-25-4 and 40-25-29, Code of Alabama 1975, relating to the tax on tobacco products.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on part of the House, Representatives: Laird, Johnson (RW), and Buskey (JE).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Preuitt, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 341, the title of which is set out in the foregoing Message from the House.

Yeas 27; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Manley	
Amari	Campbell	Ellis	Menton	
Bailey	Corbett	Foshee	Mitchem	
Barron	deGraffenried	Goodwin	Parsons	
Bedford	Denton	Hale	Preuitt	
Bedsole	Dial	Hand	Rice	
Bennett	Dixon	Langford	Smith (B)	—27

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Senators Preuitt, Langford, and Foshee.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 135. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 135, to-wit:

SUBSTITUTE FOR H. B. 135

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1989, and for the public debt, to be paid out of funds specified in subsection (a) of

Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and the Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1989, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		Appropriation Total
ASETF	Trust Funds	

SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program	40,000
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SOURCE OF FUNDS:

(1) ASETF	40,000	
Total American Legion and Auxiliary Scholarships	40,000	40,000

To be expended under the provisions of Code of Alabama 1975, as amended, Sections 16-31-1 through 16-31-4.

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
2.	DATA SYSTEMS MANAGEMENT DIVISION, DEPARTMENT OF FINANCE:-			
	(a) Administrative Support Ser- vices Program			7,000,000
	This appropriation is to be ex- pended for capital outlay and operation and maintenance of the supercomputer.			
	SOURCE OF FUNDS:			
	(1) ASETF	7,000,000		
	Total Department of Finance - Data Systems Management Division	7,000,000		7,000,000
3.	DEBT SERVICE:			
	(a) Debt Service Program			649,708
	For interest on Endowments as follows:			
	For interest on University of Montevallo (Alabama College) Endowment, Estimated34,964			
	For interest on Auburn Uni- versity Endowment20,280			
	For interest on University of Alabama Endowment ..61,000			
	For interest on Grove Hill Endowment600			
	For interest on Public School Fund Endowment:			
	Interest on 16th Section Lands, Estimated410,000			
	Interest on School Indemnity Lands, Estimated90,000			
	Interest on Valueless 16th Sec- tion Lands5,825			
	Interest on Surplus Revenue26,764			
	Interest on James Wallace Fund 275			
	Total Interest on Public School Fund Endowment532,864			

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
SOURCE OF FUNDS:				
	(1) ASETF	649,708		
	Total Debt Service	649,708		649,708
4.	DENTAL SCHOLARSHIP AWARDS, BOARD OF:			
(a)	Support of Other Educational Activities Program			176,000
SOURCE OF FUNDS:				
	(1) ASETF	176,000		
	Total Board of Dental Schol- arship Awards	176,000		176,000
To be expended under the pro- visions of <u>Code of Alabama</u> 1975, as amended, Sections 16- 47-76 through 16-47-81.				
5.	EDUCATION, DEPARTMENT OF:			
(a)	Administrative Services Program			13,652,514
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:				
	Compact for Education	44,000		
	Operations and Maintenance of Department	3,122,013		
	Leadership and Management	300,000		
	Electronic Network	500,000		
SOURCE OF FUNDS:				
	(1) ASETF	3,966,013		
	(2) Federal and Local Funds		9,686,501	
	Total Administrative Services Program	3,966,013	9,686,501	13,652,514
(b)	Adult Basic Education/Com- munity Education Program			5,860,414
The ASETF monies included in the above program are to be distributed by the Department of Education as follows:				
	Adult Basic Education	2,439,798		

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Fund Sources Included In Appropriation Total			
	ASETF	Trust Funds	Appropriation Total
Community Education	605,669		
Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Educa- tion's Department of Commu- nity Education.			
SOURCE OF FUNDS:			
(1) ASETF	3,045,467		
(2) Federal and Local Funds		2,814,947	
Total Adult Basic Education/ Community Education Program	3,045,467	2,814,947	5,860,414
(c) Financial Assistance Program			249,331,093
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:			
Elementary Teachers Scholarships			
To be paid in accordance with <u>Code of Alabama 1975</u> , as amended, Section 16-23-17.			
SOURCE OF FUNDS:			
(1) ASETF	23,760		
(2) Federal and Local Funds		249,307,333	
Total Financial Assistance Program	23,760	249,307,333	249,331,093
(d) Instructional Technical Assis- tance Program			10,731,895
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:			
Basic Skills Program ..			
Early Childhood Education Administration			
Instructional Technical Assistance			
Special Education Administration			

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Fund Sources Included In Appropriation Total				Appropriation <u>Total</u>
ASETF		Trust Funds		
Vocational Education Administration871,262				
National Geographic Grant- Matching Funds50,000				
SOURCE OF FUNDS:				
(1) ASETF		3,652,558		
(2) Federal and Local Funds			7,079,337	
Total Instructional Technical Assistance Program		3,652,558	7,079,337	10,731,895
(e)	Local Agency Support Program			22,851,684
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:				
Advanced Placement ..468,891				
Driver Education, School Bus Driver Training and Vehicle Safety Inspection249,450				
Free Textbooks 15,365,118				
In addition to the above appro- priation for free textbooks, there is hereby appropriated \$1,388,677 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.				
Guidance and Counseling150,000				
Operations and Maintenance 1,034,502				
School Attendance76,204				
School Facilities and Architec- tural Services196,934				
Testing 1,409,464				
Leadership/Management Improvement 2,000,000				
SOURCE OF FUNDS:				
(1) ASETF		20,950,563		
(2) Federal and Local Funds			1,901,121	

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Total Local Agency Support Program		20,950,563	1,901,121	22,851,684
(f)	Regulation Program			2,469,861
	The proposed spending plan for the ASETF monies included in the above program is as fol- lows:			
	Operations and Maintenance	914,998		
	Teacher Certification and Accreditation	385,851		
	Undergraduate/Graduate Pro- gram Approval	251,232		
	SOURCE OF FUNDS:			
	(1) ASETF	1,552,081		
	(2) Federal and Local Funds		917,780	
	Total Regulation Program	1,552,081	917,780	2,469,861
(g)	Support of Other Educational Activities Program			8,839
	The proposed spending plan for the ASETF monies included in the above program is as fol- lows:			
	Education of Dependents of Blind Parents	8,839		
	SOURCE OF FUNDS:			
	(1) ASETF	8,839		
	Total Support of Other Edu- cational Activities Program	8,839		8,839
	For reimbursement of every state institution of higher learning, college, university, or technical college or junior col- lege in which benefits are given to dependents of blind parents under the provisions of <u>Code</u> of Alabama 1975, as amended, Sections 16-33-1 through 16- 33-12.			
(h)	Support of State Universities Program			50,000
	SOURCE OF FUNDS:			
	(1) Federal and Local Funds		50,000	

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Total Support of State Universities Program			50,000	50,000
(i)	Quality Education Administrative Program			500,000
For implementing and monitoring the pilot programs in local school systems as designated by the Alabama Commission on Quality Education and as provided for in House Bill 674 of the 1988 Legislative Session. In the event said bill fails to be enacted into law, the above appropriation shall be appropriated to the Free Textbook program.				
SOURCE OF FUNDS:				
	(1) ASETF	500,000		
Total Quality Education Administrative Program		500,000		500,000
TOTAL DEPARTMENT OF EDUCATION:				
SOURCE OF FUNDS:				
	(1) ASETF	33,699,281		
	(2) Federal and Local Funds		271,757,019	
GRAND TOTAL				
DEPARTMENT OF EDUCATION		33,699,281	271,757,019	305,456,300
In addition to the above appropriation to the State Department of Education, there is also hereby conditionally appropriated the sum of \$5,000,000 for public school consolidation, to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.				
6.	EDUCATION, STATE BOARD OF - MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a)	Financial Assistance Program			619,898,527
SOURCE OF FUNDS:				
	(1) ASETF	571,222,042		

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	Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
	ASETF	Trust Funds	
(2) Public School Fund		44,000,000	
(3) Local Funds		4,676,485	
<hr/>			
Total Minimum Program, Public School Fund and Local Funds	571,222,042	48,676,485	619,898,527

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1988-89 is based on 22,613.28 teacher units. It is provided in the event that there are more than 22,613.28 earned teacher units for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$44,000,000 available from the Public School Fund for the fiscal year 1988-89, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the total shall not exceed the sum of \$472,174,234. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	3,138.72	\$ 71,600,480
I	21,359	13,904.91	296,994,973
II	18,597	5,569.65	103,578,781
III	15,658	0.00	0
IV	13,598	0.00	0
		<hr/> 22,613.28	<hr/> \$ 472,174,234

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,261,328.

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$88,945,945. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,322,877.

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Fund Sources Included In Appropriation Total		
ASETF	Trust Funds	Appropriation Total

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$55,044,143.

**7. EDUCATION, STATE BOARD
OF - LOCAL BOARDS:**

- | | |
|--|-------------|
| (a) Financial Assistance Program | 665,025,972 |
|--|-------------|

SOURCE OF FUNDS:

(1) ASETF	665,025,972	
Total State Board of Education - Local Boards	665,025,972	665,025,972

To be distributed by the State Board of Education for:

- (1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

- (2) Support Personnel Sick Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

- (3) Teachers' Personal Leave 1,086,095

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation <u>Total</u>
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The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal Leave479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional Supplies 19,737,500

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred dollars (\$500) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation <u>Total</u>
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amended, Section 16-13-40, the above appropriation of \$19,737,500 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at

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Fund Sources Included In Appropriation Total		Appropriation Total
ASETf	Trust Funds	

least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safeguards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(6) Kindergarten Instructional Supplies . 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended

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Fund Sources Included In Appropriation Total		
ASETF	Trust Funds	Appropriation <u>Total</u>

for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

- (7) Maintenance ... 16,398,059
To be distributed on a formula to all local boards of education by the State Board of Education.
- (8) Continuation of Funds Previously Granted for Special Education 23,400,161
- (9) Special Schools for Special Education 2,151,500
To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be

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Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
ASETF	Trust Funds	
<p>allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for the purpose of establishing a pilot program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vine-mont in Cullman County; \$135,000 shall be allocated to the Dothan City Board of Education for a pilot program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a pilot program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$130,500 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of <u>Code of Alabama 1975</u>, as amended, Section 16-39-3, and P.L. 94-142; \$500,000 shall be allocated to the Chauncey Sparks Center</p>		

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Fund Sources Included In Appropriation Total			Appropriation <u>Total</u>
ASETF	Trust Funds		
for Developmental and Learning Disorders.			
(10) Kindergarten Teacher Units 73,475,415			
The above appropriation is for 3,039.20 teacher units and includes salar- ies, other current ex- pense, and capital improvements at the fol- lowing rates:			

For "Salaries" the total shall not exceed the sum of \$61,343,385. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of TU	Total
AA	\$ 22,812	152.56	\$ 3,480,199
I	21,359	1,513.52	32,327,274
II	18,597	1,373.12	25,535,912
		3,039.20	\$ 61,343,385

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$11,954,237. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,793.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amount shall not be allotted or paid. In the event more than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher
Units to reduce pupil-
teacher ratio in grades
1-6 15,867,971
- The above appropriation
is for 650 teacher units
and includes salaries,
other current expense,

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Fund Sources Included In Appropriation Total		
ASETF	Trust Funds	Appropriation Total

and capital improve-
ments at the following
rates:

For "Salaries" the total shall not exceed the sum of \$13,273,268. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	80.02	\$ 1,825,416
I	21,359	307.00	6,557,213
II	18,597	262.98	4,890,639
		650.00	\$ 13,273,268

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$2,556,678. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$38,025.

- (12) Teacher Units to reduce
pupil-teacher ratio in
Grade 1 2,729,414
The above appropriation
is for 110 teacher units
and includes salaries,
other current expense,
and capital improve-
ments at the following
rates:

For "Salaries" the total shall not exceed the sum of \$2,290,310. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	22.00	\$ 501,864
I	21,359	55.00	1,174,745
II	18,597	33.00	613,701
		110.00	\$ 2,290,310

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$432,669. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$6,435.

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation Total
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- (13) Supportive Teacher
Units 43,772,437

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11). The above appropriation is for 1,753.50 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$36,772,728. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	349.12	\$ 7,964,125
I	21,359	974.42	20,812,637
II	18,597	429.96	7,995,966
		1,753.50	\$ 36,772,728

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$6,897,129. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$102,580.

- (14) Special Education
Teacher
Units 88,051,655

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$73,316,980. The State Board of Education shall have the discretion to redistribute the number of teacher

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Fund Sources Included In Appropriation Total		Appropriation Total
ASETF	Trust Funds	

units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	300.65	\$ 6,858,428
I	21,359	2,520.00	53,824,680
II	18,597	679.35	12,633,872
		3,500.00	\$ 73,316,980

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$13,766,725. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200.

(15) Driver Education Teacher
Units 7,200,140

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,042,503. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$ 22,812	23.00	\$ 524,676
I	21,359	200.01	4,272,014
II	18,597	66.99	1,245,813
		290.00	\$ 6,042,503

For "Other Current Expense" an amount not to exceed \$3,933.35 for each earned teacher unit but the total shall not exceed the sum of \$1,140,672. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Vocational
Education 74,803,277

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Fund Sources Included In Appropriation Total		Appropriation Total
ASETF	Trust Funds	

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, \$200 shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$570,400 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$570,400 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$570,400 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

- (17) Teachers' Free
Time 3,500,000

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free from instructional or supervisory responsibilities each teaching day.

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Fund Sources Included In Appropriation Total			Appropriation <u>Total</u>	
ASETF	Trust Funds			
(18) Salary Increases for Ten- ured Teachers (Estimated) ... 67,065,303 To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allot- ment of ten percent of those allotments speci- fied under the Minimum Program for the fiscal year 1984-85 for all state- funded teacher units meeting criteria estab- lished by the State Board of Education.				
(19) Support Personnel Salary Increase (Esti- mated) 23,737,250 To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support per- sonnel and all adult and student school bus driv- ers in the schools under their jurisdiction with the exception of those per- sons listed on the official Teachers' Institute List. Full-time support per- sonnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel work- ing less than a minimum				

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Fund Sources Included In Appropriation Total			Appropriation <u>Total</u>
ASETF	Trust Funds		
<p>of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.</p>			
<p>(20) Library Enhancement (K-12) 5,100,000</p> <p>To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a procedure to be determined by the State Board of Education.</p>			
<p>(21) Social Security (FICA) - State Share (Estimated) ... 99,203,060</p>			
<p>(22) 7.5% Salary Increase for State-funded Teacher Units and full-time support personnel 74,833,413</p>			
<p>(23) Vocational Equipment 4,000,000</p> <p>To be distributed on a formula to all local boards of education by the State Board of Education.</p>			
<p>(24) Salary Increase for Locally-Funded Teacher Units -</p> <p>There is hereby conditionally appropriated the sum of \$7,875,000 for a salary increase supplement for locally-funded teacher units to be conditioned on the availability of funds in the ASETF and the approval of the Governor.</p>			

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation <u>Total</u>
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- (25) Other Current
Expenses 11,250,000

To be distributed on the basis of \$352.05 for each earned teacher unit.

- (26) Capital Needs

There is hereby appropriated \$10,000,000 for capital needs to be conditioned on the availability of funds in the ASETF and the approval of the Governor. If said appropriation or any part of said appropriation is released then such appropriation is to be used for computer, instructional and/or transportation equipment needs to be distributed to local school systems on the same basis as other current expenses. Each local school system shall submit to the State Department of Education a plan for the expenditure of said funds. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying how such funds were actually expended.

- (27) Transportation-Capital
Outlay for Transportation
Equipment.

There is hereby appropriated \$5,000,000 for capital outlay for transportation equipment to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
8.	ALABAMA COMMISSION ON QUALITY EDUCATION:			
(a)	Operations and Maintenance Program			500,000
(b)	Quality Education Pilot Pro- grams in Local School Systems Program			9,500,000

The above appropriation of \$9,500,000 shall be used to fund such quality education pilot programs in local school systems as designated by the Alabama Commission on Quality Education and as provided for in House Bill 674 of the 1988 Regular Legislative Session.

SOURCE OF FUNDS:

(1) ASETF	10,000,000	
Total Alabama Commission on Quality Education	10,000,000	10,000,000

In the event that House Bill 674 of the 1988 Regular Legislative Session fails to be enacted into law, the above appropriation of \$10,000,000 from the ASETF shall be appropriated as follows:

- (1) Maintenance ... \$7,000,000
To be distributed to the local school systems on a formula developed by the State Board of Education.
- (2) Free Text-books \$1,500,000
To be distributed to the local school systems on the same basis as the regular textbook allocation.
- (3) Alternative School Program \$1,500,000
To develop a pilot program for students who for academic and/or behavioral reasons cannot succeed in the regular program.

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
9.	STATE BOARD OF EDUCATION - IN-SERVICE EDUCATIONAL CENTERS:			
(a)	Financial Assistance			
	Program			2,031,000
	For the continuation of the program of in-service educa- tional centers established by Act 84-622.			
	SOURCE OF FUNDS:			
	(1) ASETF	2,031,000		
	Total State Board of Educa- tion - In-service Educational Centers	2,031,000		2,031,000
	<p>The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$168,000 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:</p>			
(aa)	The sum of \$85,000 shall be distributed to each of the following in-service centers:			
	(1) Alabama A&M University,			
	(2) Alabama State University,			
	(3) Athens State College,			
	(4) Auburn University,			
	(5) Jacksonville State University,			
	(6) Troy State University,			
	(7) University of Alabama,			
	(8) University of Alabama-Birmingham,			
	(9) University of Montevallo,			
	(10) University of North Alabama, and,			
	(11) University of South Alabama.			
(bb)	The remainder of the above appropriation shall be allotted			

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation <u>Total</u>
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to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1987-88 and the number of teachers employed as reported on the 1987-88 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1986. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five (5) days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,031,000, there is hereby appropriated \$700,000 for educational in-service centers to be conditioned on the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be the first of any conditionals released by the Governor from the ASETF.

10. EDUCATION, STATE BOARD
OF - JUNIOR COLLEGE
SYSTEM:

(a) Operations and Maintenance	64,372,954	22,960,007	87,332,961
(b) Social Security (FICA) - State Share	5,128,682		5,128,682
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	221,245		221,245
(e) Auxiliary Enterprises		7,553,058	7,553,058
(f) Restricted Funds		21,142,459	21,142,459
(g) Capital Outlay	450,000		450,000
(h) Equipment	890,233		890,233

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Fund Sources Included In Appropriation Total			Appropriation <u>Total</u>
ASETF	Trust Funds		

The above appropriation shall
be used to update equipment
for training for business.

SOURCE OF FUNDS:

(1) ASETF	71,253,190		
(2) Other Funds		51,655,524	

Total State Board of Educa- tion - Junior College System ..	71,253,190	51,655,524	122,908,714
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- (1) The Operations and Maintenance appropriation above of \$64,372,954 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:
- (a) Junior colleges with credit-producing programs in Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.
 - (b) The sum of \$200,000 to each junior college.
 - (c) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1986-87 and the fall, winter and spring quarters of the school year 1987-88 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1986-87 and the fall, winter, and spring quarters of the school year 1987-88 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation Total
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- (2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a needs basis as determined by the Chancellor of the Postsecondary Education System.
- (3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

**11. EDUCATION, STATE BOARD
OF - TECHNICAL COLLEGE
SYSTEM:**

(a) Operations and Maintenance	52,459,780	16,744,596	69,204,376
(b) Social Security (FICA) - State Share	3,695,160		3,695,160
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	114,509		114,509
(e) Auxiliary Enterprises		5,448,520	5,448,520
(f) Restricted Funds		13,170,683	13,170,683
(g) Equipment	1,703,290		1,703,290

Of the above appropriation, \$1,653,290 shall be used to update equipment for training for industry.

SOURCE OF FUNDS:

(1) ASETF	58,162,815		
(2) Other Funds		35,363,799	
Total State Board of Education - Technical College System	58,162,815	35,363,799	93,526,614

- (1) The Operations and Maintenance appropriation above of \$52,459,780 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows:
- (a) Technical colleges with programs generating contact hours at Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.
- (b) The remainder of the appropriation is to be allotted to each technical college in accordance with a formula adopted by the

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Fund Sources Included In Appropriation Total		Appropriation Total
ASETF	Trust Funds	

State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J.F. Drake State Technical College; (9) Gadsden State Community College-Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N.F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C.A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

12. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program	1,322,935
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SOURCE OF FUNDS:

(1) ASETF	945,993
(2) ASETF - Teachers' Pay Raise (7.5%)	53,685

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
(3) Federal and Local Funds			323,257	
Total Alabama School of Fine Arts		999,678	323,257	1,322,935
13. FIRE COLLEGE, ALABAMA STATE - SHELTON STATE COMMUNITY COLLEGE:				
(a) Operations and Maintenance	466,847	86,219	553,066	
(b) Social Security (FICA) - State Share	35,468		35,468	
(c) Auxiliary Enterprises		575,592	575,592	
(d) Restricted Funds		326,207	326,207	
SOURCE OF FUNDS:				
(1) ASETF	502,315			
(2) Other Funds		988,018		
Total Alabama State Fire College - Shelton State Community College		502,315	988,018	1,490,333
14. GADSDEN STATE COMMUNITY COLLEGE:				
(a) Technical Assistance Program			300,000	
(For merger expense.)				
SOURCE OF FUNDS:				
(1) ASETF	300,000			
Total Gadsden State Community College		300,000		300,000
It is the intent of the Legislature that no line-item appropriation from the ASETF to Gadsden State Community College for merger expense be made after the fiscal year ending September 30, 1990.				
15. HEALTH INSURANCE BOARD, PUBLIC EDUCATION EMPLOYEES':				
(a) Administrative Support Services Program			107,573,360	
The above appropriation of \$107,573,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for				

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Fund Sources Included
In Appropriation Total

ASETF	Trust Funds	Appropriation <u>Total</u>
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professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$107,573,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989 all eligible full-time employees shall pay the premium rate of \$2.00 per month and all retired eligible employees shall pay the rate of \$1.14 per month. The above contribution rate shall not be adjusted by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF 107,573,360

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Total Public Education Em- ployees' Health Insurance Board		107,573,360		107,573,360
16. HIGHER EDUCATION, ALABAMA COMMISSION ON:				
(a) Planning and Coordination Services Program				2,057,901
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:				
Operations and Maintenance		1,167,489		
Program Evaluation ...		200,037		
Research Enhancement Program		275,000		
SOURCE OF FUNDS:				
(1) ASETF		1,642,526		
(2) Federal and Local Funds			415,375	
Total Planning and Coordina- tion Services Program (Total Operations)		1,642,526	415,375	2,057,901
(b) Student Financial Aid Program				29,814,990
The proposed spending plan for the ASETF monies included in the above program is to be dis- tributed through ACHE as fol- lows:				
(1) Educational Grants Program		3,037,823		
(2) Alabama National Guard Educational Assistance		200,000		
To be expended in accord- ance with <u>Code of Ala-</u> <u>bama 1975</u> , as amended, <u>Sections 31-10-1 through</u> <u>31-10-4.</u>				
(3) Emergency Secondary Education Scholar- ships		1,057,333		
To be expended in accord- ance with <u>Code of Ala-</u> <u>bama 1975</u> , as amended,				

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Sections 16-23-18 through 16-23-23.				
(4)	Chiropractic Scholarships	48,103		
To be expended under the provisions of Code of Ala- bama 1975, as amended, Section 16-5-11.				
(5)	Alabama Student Assis- tance Program ..	2,002,457		
(6)	Alabama Small Business Development Consortium	552,412		
SOURCE OF FUNDS:				
(1)	ASETF	6,898,128		
(2)	Federal and Local Funds		22,916,862	
Total Student Financial Aid Program		6,898,128	22,916,862	29,814,990
(c)	Support of Other Educational Activities Program			7,705,342
The proposed spending plan for the ASETF monies included in the above program is to be dis- tributed through ACHE as fol- lows:				
(1)	Network of Alabama Aca- demic Libraries (NAAL)	1,080,342		
(2)	Southern Regional Edu- cation Board (SREB)	395,000		
(3)	EPSCoR-National Sci- ence Foundation Program	2,000,000		
(4)	Eminent Scholars Program	3,200,000		
In addition to the above appropriation for the Em- inent Scholars Program, there is also hereby con- ditionally appropriated the sum of \$2,000,000 to be conditioned upon the availability of funds in the ASETF and upon the ap- proval of the Governor.				

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Fund Sources Included In Appropriation Total			
	ASETF	Trust Funds	Appropriation Total
(5) Business and Industrial Research 1,000,000			
SOURCE OF FUNDS:			
(1) ASETF	7,675,342		
(2) Federal and Local Funds		30,000	
Total Support of Other Edu- cational Activities Program	7,675,342	30,000	7,705,342
TOTAL ALABAMA COM- MISSION ON HIGHER ED- UCATION:			
SOURCE OF FUNDS:			
(1) ASETF	16,215,996		
(2) Federal and Local Funds		23,362,237	
Grand Total Alabama Com- mission on Higher Education	16,215,996	23,362,237	39,578,233
17. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:			
(a) Industrial Training Program ..	1,712,258		1,712,258
(b) Social Security (FICA) - State Share	70,709		70,709
(c) Industrial Development Program	3,000,000	34,471	3,034,471
SOURCE OF FUNDS:			
(1) ASETF	4,782,967		
(2) Federal and Local Funds		34,471	
Total Alabama Industrial De- velopment Training Institute	4,782,967	34,471	4,817,438
18. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:			
(a) Support of Other Educational Activities Program			1,368,553
SOURCE OF FUNDS:			
(1) ASETF	1,055,553		
(2) Federal and Local Funds		313,000	
Total Marine Environmental Sciences Consortium	1,055,553	313,000	1,368,553
19. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:			
(a) Support of Other Educational Activities Program			677,000

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
SOURCE OF FUNDS:				
(1) ASETF	677,000			
Total Board of Medical Schol- arships Awards	677,000			677,000
To be expended under the pro- visions of <u>Code of Alabama</u> 1975, as amended, Sections 16- 47-121 through 16-47-129.				
20. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:				
(a) Support of Other Educational Activities Program				125,000
SOURCE OF FUNDS:				
(1) ASETF	125,000			
Total Board of Optometric Scholarship Awards	125,000			125,000
To be expended under the pro- visions of the <u>Code of Alabama</u> 1975, as amended, Sections 34- 22-60 through 34-22-65.				
21. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:				
(a) Professional and Occupational Licensing and Regulation Program				222,722
(b) Certified Law Enforcement Academy Program				785,925
Of the above appropriation for the Certified Law Enforce- ment Academy Program, the \$435,925 of ASETF monies in- cluded therein shall be ex- pended as follows:				
Mobile Police Training Academy	25,000			
Jacksonville State University	118,264			
University of Alabama	118,264			
James H. Faulkner Jr. College	118,264			
Troy State University at Montgomery	56,133			
Total	435,925			

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
SOURCE OF FUNDS:				
(1) ASETF	658,647			
(2) Alabama Peace Officers' Standards and Training Fund - as provided in Code of Alabama 1975, as amended, Sections 36-21- 40 through 36-21-50			350,000	
Total Alabama Peace Officers' Standards and Training Commission	658,647	350,000		1,008,647
22. POSTSECONDARY EDUCATION DEPARTMENT:				
(a) Postsecondary Two-Year In- stitutions Program				1,849,897
The proposed spending plan for the ASETF monies included in the above program is as fol- lows:				
Chancellor's Office Operations	1,067,350			
Program Planning and Enhancement	95,816			
Displaced Homemakers' Program	150,000			
SOURCE OF FUNDS:				
(1) ASETF	1,313,166			
(2) Federal and Local Funds		536,731		
Total Postsecondary Educa- tion Department	1,313,166	536,731		1,849,897
23. PRISON EDUCATION EXPANSION - POSTSECONDARY EDUCATION DEPARTMENT:				
(a) Postsecondary Two-Year In- stitutions Program	1,250,000	41,177		1,291,177
(b) Social Security (FICA) - State Share	77,672			77,672
SOURCE OF FUNDS:				
(1) ASETF	1,327,672			
(2) Federal and Local Funds		41,177		

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Total Prison Education Ex- pansion - Postsecondary Edu- cation Department		1,327,672	41,177	1,368,849
24. RESERVE ACCOUNT - ALABAMA SPECIAL EDUCATIONAL TRUST FUND:				
(a) Reserve Account Program				21,000,000
SOURCE OF FUNDS:				
(1) ASETF		21,000,000		
Total ASETF Reserve Account		21,000,000		21,000,000
It is the intent of the Legisla- ture that this Reserve Account be used to guard against prora- tion. In the event that revenues into the Alabama Special Ed- ucational Trust Fund are in- sufficient to fund the appropriations to the various departments, boards, offices, commissions, and agencies in this Act, the funds herein ap- propriated into said Alabama Special Educational Trust Fund Reserve Account shall be allotted only to the extent nec- essary to avoid proration.				
25. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):				
(a) Retirement Systems Program, Estimated				396,000
SOURCE OF FUNDS:				
(1) ASETF - Employees' Re- tirement System, Estimated		255,000		
(2) ASETF - Employees' Spe- cial Pension, Act 85-631, Estimated		141,000		
Total Employees' Retirement System of Alabama (ASETF Share)		396,000		396,000

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
26.	RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):			
	(a) Retirement Systems Program, Estimated			191,640,000
	(b) Term Life Insurance			2,655,000
	Persons eligible for this insur- ance benefit shall be the fol- lowing:			
	(1) full-time members of the Teachers' Retirement Sys- tem of Alabama - shall be eligible for the full benefit; and,			
	(2) part-time members of the Teachers' Retirement Sys- tem of Alabama - shall be eligible for proportional benefit based on the per- centage of time each works in relationship to full-time work.			
	SOURCE OF FUNDS:			
	(1) ASETF - Teachers' Re- tirement System, Estimated	161,448,000		
	(2) ASETF - Teachers' Spe- cial Pension Fund, Estimated	30,192,000		
	(3) ASETF - Term Life Insurance	2,655,000		
	Total Teachers' Retirement System of Alabama (ASETF Share)	194,295,000		194,295,000
27.	SOCIAL SECURITY (ASETF SHARE):			
	(a) For State's Share of Social Se- curity, Estimated			25,000
	SOURCE OF FUNDS:			
	(1) ASETF	25,000		
	Total Social Security (ASETF Share)	25,000		25,000
	The above appropriation is to be used for prior period adjust- ments.			

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
28.	SPECIAL INDUSTRIAL JOB TRAINING:			
	(a) Industrial Training Program ..			5,100,000
	This appropriation will be administered by the Alabama Industrial Development Training Institute. Of the above appropriation, \$1,500,000 shall be allocated for training at U.S. Steel.			
	SOURCE OF FUNDS:			
	(1) ASETF	5,100,000		
	Total Special Industrial Job Training	5,100,000		5,100,000
29.	TENURE COMMISSION, STATE:			
	(a) Regulation Program			10,738
	SOURCE OF FUNDS:			
	(1) ASETF	10,738		
	Total State Tenure Commission	10,738		10,738
30.	TELEVISION COMMISSION, EDUCATIONAL:			
	(a) Educational Television Program			4,828,313
	(b) Public Radio Service Program			480,497
	SOURCE OF FUNDS:			
	(1) ASETF	3,612,310		
	(2) Federal and Local Funds		1,696,500	
	Total Educational Television Commission	3,612,310	1,696,500	5,308,810
31.	UNEMPLOYMENT COMPENSATION - LOCAL BOARDS:			
	(a) Financial Assistance Program			2,000,000
	SOURCE OF FUNDS:			
	(1) ASETF, Estimated	2,000,000		
	Total Unemployment Com- pensation - Local Boards	2,000,000		2,000,000

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
32.	VETERANS' AFFAIRS, DEPARTMENT OF:			
	(a) Administration of Veterans' Affairs Program			4,308,808
	SOURCE OF FUNDS:			
	(1) ASETF - Transfer	4,308,808		
	Total Department of Veterans' Affairs	4,308,808		4,308,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

33.	YOUTH SERVICES, DEPARTMENT OF:			
	(a) Financial Assistance Program			3,472,059
	The above appropriation for Financial Assistance Program includes \$2,422,942 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of <u>Code of Alabama 1975</u> , as amended, Sections 44-1-70 through 44-1-77.			
	SOURCE OF FUNDS:			
	(1) ASETF	2,287,213		
	(2) ASETF - Teachers' Pay Raise (7.5%)		135,729	

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
(3) Federal and Local Funds			1,049,117	
Total Department of Youth Services		2,422,942	1,049,117	3,472,059
34. FINANCE, DEPARTMENT OF - DATA SYSTEMS MANAGEMENT:				
(a) Administrative Support Serv- ices Program				331,000
To be expended for education and training for the Govern- mental Accountant and Audi- tor Training Program and the Certified Public Manager Pro- gram.				
SOURCE OF FUNDS:				
(1) ASETF		331,000		
Total Department of Finance - Data Systems Management		331,000		331,000

SECTION 4.

COLLEGES, UNIVERSITIES AND
SCHOOLS:I. BOARD OF TRUSTEES OF
UNIVERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and
Program Support for the University
of Alabama 73,263,322 36,545,543 109,808,865

The above amounts shall be distrib-
uted to the following enumerated
programs by the president of the
University of Alabama. In addition
to operations and maintenance, in-
cludes support for such entities as:
Industrial Management and Manu-
facturing Technology and Magnetic
Information Technology Programs;
Center for Emotionally Disturbed
Children; Alabama Poison Control
Center; Nursing Scholarships; Ad-
vocacy Program for the Develop-
mentally Disabled; Capstone Medical
Center; Sports Medicine; Alabama
Museum of Natural History; College
of Community Health Sciences;

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	Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
	ASETF	Trust Funds	
University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.			
2. Operations and Maintenance and Program Support for University of Alabama at Birmingham	110,392,526	273,495,470	383,887,996
The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama at Birmingham.			
In addition to operations and maintenance, includes support for such entities as: University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma, and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease;			

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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
Biomedical Engineering Sciences; Center for Nuclear Magnetic Reso- nance Studies; Dental/Medical Re- search; Virology Research; Neuro- Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.				
3.	Operations and Maintenance and Program Support for University of Alabama in Huntsville	23,654,061	14,784,170	38,438,231
The above amounts shall be distrib- uted to the following enumerated programs by the president of the University of Alabama in Huntsville.				
In addition to operations and main- tenance, includes such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Cen- ter; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Eco- nomic Research; Rural Primary Care Clerkship; Research Institute; De- velopmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Micrograv- ity Science; Center for Robotics.				
4.	Social Security (FICA) - State Share	21,066,158		21,066,158
5.	Auxiliary Enterprises		49,024,728	49,024,728
6.	Restricted Funds		112,654,573	112,654,573
SOURCE OF FUNDS:				
	(1) ASETF	228,376,067		
	(2) Other Funds		486,504,484	
	Total University of Alabama System	228,376,067	486,504,484	714,880,551
II. BOARD OF TRUSTEES OF ALABAMA A & M UNIVERSITY				
A. Alabama A & M University				
1.	Operations and Maintenance and Program Support	16,979,011	6,251,892	23,230,903
In addition to operations and main- tenance, includes support for such				

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
entities as: Vocational Teacher Training; Cooperative Extension, Research and Service; Black Ar- chives Museum.				
2.	Social Security (FICA) - State Share	1,106,203		1,106,203
3.	Auxiliary Enterprises		4,097,876	4,097,876
4.	Restricted Funds		10,110,965	10,110,965

SOURCE OF FUNDS:

(1) ASETF	18,085,214		
(2) Other Funds		20,460,733	
Total Alabama A & M University	18,085,214	20,460,733	38,545,947

**III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY**

A. Alabama State University

1. Operations and Maintenance and Program Support	16,905,338	5,914,794	22,820,132
In addition to operations and maintenance, includes support for such entities as: Educational Radio Station; Public Services Program.			
2. Social Security (FICA) - State Share	931,308		931,308
3. Auxiliary Enterprises		4,387,527	4,387,527
4. Restricted Funds		3,668,237	3,668,237

SOURCE OF FUNDS:

(1) ASETF	17,836,646		
(2) Other Funds		13,970,558	
Total Alabama State University	17,836,646	13,970,558	31,807,204

IV. STATE BOARD OF EDUCATION

A. Athens State College

1. Operations and Maintenance and Program Support	3,236,518	1,772,626	5,009,144
2. Social Security (FICA) - State Share	289,496		289,496
3. Auxiliary Enterprises		386,933	386,933
4. Restricted Funds		491,653	491,653

SOURCE OF FUNDS:

(1) ASETF	3,526,014		
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		Fund Sources Included In Appropriation Total		Appropriation Total
		ASETF	Trust Funds	
(2) Other Funds			2,651,212	
Total Athens State College		3,526,014	2,651,212	6,177,226
V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY				
A. Auburn University System				
1. Operations and Maintenance and Program Support	124,592,567	63,393,574	187,986,141	
In addition to operations and main- tenance, includes support for such entities as: Educational Television; Center for Vocational and Adult Ed- ucation; Clinical Psychology; Ralph Draughon Library; Engineering Ex- periment Station; Public Service, Research and Extension; Energy Re- search; Food Animal Health and Diseases Research; Veterinary Teaching Hospital and Clinic; Tru- man Pierce Institute for the Ad- vancement of Teacher Education; Forestry Program; Nursing Schol- arships; Advanced Manufacturing Technology Center; Development of Genetic Engineering Applications; Pulp and Paper Research Center; In- ternational Commerce and Indus- trial Development; Architecture and Industrial Design; College of Veteri- nary Medicine; Textile Engineering Department; Highway Research Center; Research Library Enhance- ment; Poultry Development Pro- gram; Catfish Research; Cooperative Extension Service Retirement; Computer Communication System; Montgomery Area Community Health Sciences Institute.				
2. Social Security (FICA) - State Share	8,149,942		8,149,942	
3. Auxiliary Enterprises		37,180,898	37,180,898	
4. Restricted Funds		44,979,114	44,979,114	
SOURCE OF FUNDS:				
(1) ASETF	132,742,509			
(2) Other Funds		145,553,586		
Total Auburn University System	132,742,509	145,553,586	278,296,095	

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		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY				
A. Jacksonville State University				
1. Operations and Maintenance and Program Support	17,721,319	7,900,492	25,621,811	
In addition to operations and main- tenance, includes support for such entities as: Gadsden Educational Program; Nursing Scholarships; Vo- cational Teacher Training; Devel- opmental Education Project; Center for Economic Development; Re- search and Public Service; Commu- nity Education Development; Sensory Impaired Postsecondary Program.				
2. Social Security (FICA) - State Share	1,529,787		1,529,787	
3. Auxiliary Enterprises		3,287,430	3,287,430	
4. Restricted Funds		3,530,260	3,530,260	
SOURCE OF FUNDS:				
(1) ASETF	19,251,106			
(2) Other Funds		14,718,182		
Total Jacksonville State University	19,251,106	14,718,182	33,969,288	
VII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY				
A. Livingston University				
1. Operations and Maintenance and Program Support	5,830,615	1,402,788	7,233,403	
In addition to operations and main- tenance, includes support for such entities as: Nursing Scholarships.				
2. Social Security (FICA) - State Share	387,021		387,021	
3. Auxiliary Enterprises		2,180,706	2,180,706	
4. Restricted Funds		557,411	557,411	
SOURCE OF FUNDS:				
(1) ASETF	6,217,636			
(2) Other Funds		4,140,905		
Total Livingston University ...	6,217,636	4,140,905	10,358,541	

		Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
		ASETF	Trust Funds	
VIII. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO				
A. University of Montevallo				
1.	Operations and Maintenance and Program Support	9,688,343	4,000,964	13,689,307
	In addition to operations and main- tenance, includes support for such entities as: Center for the Study of Communication Science and Disor- ders; Alabama Traffic Safety Center; Mass Communication Center; Cen- ter for Excellence in Undergraduate Liberal Studies; Center for Excel- lence in Business Education.			
2.	Social Security (FICA) - State Share	659,718		659,718
3.	Auxiliary Enterprises		3,988,000	3,988,000
4.	Restricted Funds		1,788,702	1,788,702
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SOURCE OF FUNDS:				
	(1) ASETF	10,348,061		
	(2) Other Funds		9,777,666	
	Total University of Montevallo	10,348,061	9,777,666	20,125,727
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IX. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA				
A. University of North Alabama				
1.	Operations and Maintenance and Program Support	13,335,776	6,691,109	20,026,885
	In addition to operations and main- tenance, includes support for such entities as: Research and Public Service; Nursing Scholarships; Cen- ter for Business Productivity and Relations; Developmental Computer Education; Occupational and Health Laboratory.			
2.	Social Security (FICA) - State Share	962,031		962,031
3.	Auxiliary Enterprises		1,722,744	1,722,744
4.	Restricted Funds		434,268	434,268
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SOURCE OF FUNDS:				
	(1) ASETF	14,297,807		

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	Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
	ASETF	Trust Funds	
(2) Other Funds		8,848,121	
Total University of North Alabama	14,297,807	8,848,121	23,145,928

**X. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA**

A. University of South Alabama

1. Operations and Maintenance and Program Support	41,355,679	92,250,606	133,606,285
In addition to operations and main- tenance, includes support for such entities as: Medical Research and Public Service; Family Practice Res- idency Program; College of Medi- cine; Medical Center Hospital; Nursing Scholarships; Alabama Business and Transportation Pro- gram; Paramedic Training Program; Newborn Growth and Development Program; Coastal Environmental and Economic Services Program; Birth Defects and Genetic Center; Re- search and Public Service; Baldwin County Campus.			
2. Social Security (FICA) - State Share	5,503,154		5,503,154
3. Auxiliary Enterprises		7,889,259	7,889,259
4. Restricted Funds		10,680,000	10,680,000

SOURCE OF FUNDS:

(1) ASETF	46,858,833		
(2) Other Funds		110,819,865	
Total University of South Alabama	46,858,833	110,819,865	157,678,698

**XI. BOARD OF TRUSTEES OF TROY
STATE UNIVERSITY**

A. Troy State University System

1. Operations and Maintenance and Program Support	17,442,339	18,002,787	35,445,126
In addition to operations and main- tenance, includes support for such entities as: Center for Environmen- tal Research and Science; Nursing Scholarships; School of Nursing- Montgomery; Branch Campus at			

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	Fund Sources Included In Appropriation Total		Appropriation <u>Total</u>
	ASETF	Trust Funds	
Phenix City; Center for Developmental Education; Public Radio and Communication Services; Research and Public Service; Davis Theater - Fine Arts Program.			
2. Social Security (FICA) - State Share	1,748,707		1,748,707
3. Auxiliary Enterprises		4,833,510	4,833,510
4. Restricted Funds		1,304,237	1,304,237
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SOURCE OF FUNDS:			
(1) ASETF	19,191,046		
(2) Other Funds		24,140,534	
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Total Troy State University System	19,191,046	24,140,534	43,331,580

XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR DEAF
AND BLIND

(a) Adult Programs:			
(1) Regular	3,114,910	2,697,708	5,812,618
(2) Social Security (FICA) - State Share	302,338		302,338
(b) Children and Youth Programs:			
(1) Regular	9,235,472	1,258,011	10,493,483
(2) Social Security (FICA) - State Share	544,209		544,209
(c) Industries for the Blind:			
(1) Regular	1,211,535	16,952,826	18,164,361
(2) Social Security (FICA) - State Share	362,807		362,807
(d) Capital Outlay	1,000,000		1,000,000

Of the above appropriation, \$865,000 shall be used for the restoration of Manning Hall and \$135,000 shall be earmarked for Dothan City School for the Hearing-Impaired.

SOURCE OF FUNDS:

(1) ASETF	14,647,786		
(2) ASETF - Teachers' Pay Raise (7.5%)	1,123,485		
(3) Other Funds		20,908,545	

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	Fund Sources Included In Appropriation Total		Appropriation Total
	ASETF	Trust Funds	
Total Alabama Institute for Deaf and Blind	15,771,271	20,908,545	36,679,816

SECTION 5.

(1) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$3,504,049 to be expended for Special Mental Health.

(2) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$707,548 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

SECTION 6.

A. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$350,000 to be expended for the Certified Law Enforcement Academy Program.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty-four million dollars (\$44,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-6(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1989, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1989.

SECTION 7.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 8.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive,

collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Code of Alabama 1975, as amended, Section 41-5-24.

SECTION 9.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1989.

SECTION 10.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 11.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 12.

This Act shall become effective on October 1, 1988.

The Standing Committee on Finance and Taxation then reported the following amendment No. 1 to the substitute for the Bill, H. B. 135, to-wit:

AMENDMENT NO. 1 TO SUBSTITUTE FOR H. B. 135

Amend the Senate Substitute for H. B. 135 on Page 56, line 29 by deleting the figures "16,979,011" and "23,230,903" and substituting in lieu thereof the figures "15,979,011" and "22,230,903" respectively.

Further amend on Page 57, lines 9 and 11 by deleting the figure "18,085,214" and inserting in lieu thereof the figure "17,085,214".

Further amend on Page 57, line 11 by deleting the figure "38,545,947" and inserting in lieu thereof the figure "37,545,947".

Further amend the bill on page 57, Line 16 by deleting the figures "16,905,338" and "22,820,132" and inserting in lieu thereof the figures "15,905,338" and "21,820,132" respectively.

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Further amend the bill on page 57 lines 26 and 28 by deleting the figure "17,836,646" and inserting in lieu thereof the figure "16,836,646".

Further amend the bill on page 57 line 28 by deleting the figure "31,807,204" and inserting in lieu thereof the figure "30,807,204".

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 688. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 369. Relating to Class 1 municipalities; to exempt such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Also:

S. 651. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city.

Also:

S. 687. Relating to Madison County; to further provide that the county commission may provide additional compensation for poll officials in an amount not less than \$10 per day from the county general fund, by amending Act No. 79-660, Regular Session 1979, (Acts 1979, p. 1142).

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 690. To provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416; and to provide for retroactive effect.

Also:

S. 477. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 683. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

Also:

S. 689. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 675. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

Also:

S. 678. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Also:

S. 680. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Marion County Public Water Authority by a general or a local act of the Legislature.

Also:

S. 682. Providing for a local salary supplement for the judge of the 17th judicial circuit; providing that any local salary supplement provided for said judge by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judge and prescribing the methods for determining and funding the local salary supplement provided by this act for said judge.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 86. REQUESTING THAT THE LEGISLATIVE MEMBERS OF THE JOINT GOVERNOR'S-LEGISLATIVE CHILD DAY CARE TASK FORCE WORK WITH THE ALABAMA LEAGUE OF MUNICIPALITIES TO DEVELOP A PLAN WHICH ADDRESSES THE ZONING PROBLEMS OF FAMILY DAY CARE HOMES, WITH RECOMMENDATIONS FOR CORRECTIVE ACTIONS.

Also:

S. J. R. 88. REQUESTING THAT THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR, ADO/ADECA STAFF DESIGNEES AND THE DEPARTMENT OF REVENUE STUDY AND RECOMMEND FEASIBLE TAX INCENTIVES FOR EMPLOYER SUPPORT OF CHILD DAY CARE.

Also:

S. J. R. 144. URGING THE DEPARTMENT OF CORRECTIONS AND OTHER STATE AGENCIES & DEPARTMENTS TO PUT PRISON INMATES TO WORK.

Also:

S. J. R. 189. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 81. REQUESTING THE GOVERNOR'S OFFICE TO DEVELOP AND PRODUCE PUBLIC SERVICE ANNOUNCEMENTS ON CHILD DAY CARE.

Also:

S. J. R. 82. REQUESTING THAT ADO/ADECA, THE ATTORNEY GENERAL'S OFFICE AND OTHER APPROPRIATE AGENCIES DEVELOP AND UTILIZE BROCHURES ADDRESSING THEIR AGENCIES' ROLES IN CHILD DAY CARE.

Also:

S. J. R. 83. REQUESTING THE DEPARTMENT OF HUMAN RESOURCES TO DEVELOP AND UTILIZE A BROCHURE ADDRESSING PARENT/PROVIDER/DEPARTMENT OF HUMAN RESOURCES JOINT RESPONSIBILITIES IN CHILD DAY CARE.

Also:

S. J. R. 85. REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES TO CONDUCT A JOINT STUDY OF CHILD CARE PROGRAMS OPERATING FOUR HOURS OR LESS A DAY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 288. To provide for a cost of living increase to certain retirees and beneficiaries receiving a monthly benefit from the Teachers' Retirement System of Alabama and in certain cases the Employees Retirement System of Alabama. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits, and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such persons eligibility to receive Medicaid benefits.

Also:

H. 695. To amend section 40-20-2, Code of Alabama 1975, which relates to privilege taxes on oil and gas, so as to provide that oil and gas produced from wells permitted by the state oil and gas board of Alabama on or after July 1, 1988, shall be taxed at a lower rate of six percent for onshore wells and four percent for offshore wells and to name the act.

Also:

H. 1006. To make an appropriation from the Alabama Special Educational Trust Fund to the Blackbelt Human Resource Development Center for the fiscal year ending September 30, 1989.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 297. COMMENDING THE REVEREND JESSE JACKSON
IN HIS PRESIDENTIAL RACE.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 297. COMMENDING THE REVEREND JESSE JACKSON
IN HIS PRESIDENTIAL RACE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 185. To amend Section 11-43A-27 of the Code of Alabama 1975, relating to annual examinations of books and accounts of municipalities having a council-manager form of government, so as to provide further for such examinations.

Also:

H. 461. To provide for a cost-of-living increase to certain retirees and beneficiaries receiving a monthly benefit from the Employees' Retirement System of Alabama and to provide that no person whose retirement under the Employees' Retirement System of Alabama is based on fifty-one percent or more service as an employee of an employer participating under section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase

unless the employer by which he was employed at the time of his retirement elects to come under the provisions of this act. To further provide for an adjustment in said increase for beneficiaries and for those retirees who elected a monthly survivor option; to provide for the funding of such benefits; and to provide that no person shall be entitled to receive the benefits granted herein if receipt of such will jeopardize such person's eligibility to receive Medicaid benefits.

Also:

H. 573. To provide that all federal funds available to state agencies for financial assistance through cost-share grants to landusers for agricultural nonpoint source pollution control shall be directed to the State Soil and Water Conservation Committee and grants certain powers to the Committee to implement the provisions of this Act.

WHEREAS, the Alabama legislature finds that there is a growing concern that the quality of water in Alabama's lakes, rivers, streams, aquifers and estuaries continues to degrade; and

WHEREAS, maintaining and improving the health of these water bodies is in the state and national interest; and

WHEREAS, agricultural activities often contribute to the degradation of the state's water resources when excessive nutrients, animal waste, pesticides and sediment leave the land and enter these waters; and

WHEREAS, the State Soil and Water Conservation Committee and Soil and Water Conservation Districts were created by the legislature almost 50 years ago to assist landusers in carrying out soil and water conservation, water quality and related activities on their lands; and

WHEREAS, in 1986, this legislature established a program to provide financial assistance through cost-share grants to landusers as an incentive for them to control soil erosion, improve their forests and prevent pollution of the state's waters; the State Soil and Water Conservation Committee and Soil and Water Conservation Districts administer this state cost-share program under the auspices of the Alabama Agricultural and Conservation Development Commission; and

WHEREAS, the same state entities administering the state cost-share program have the capability and willingness to administer an agricultural water quality nonpoint source financial assistance program; now therefore,

Also:

H. J. R. 14. NAMING A PORTION OF HIGHWAY 280 IN TALLAPOOSA COUNTY, ALABAMA, "THE CAMP ASCCA/EASTER SEALS ALABAMA'S SPECIAL CAMP FOR THE DISABLED HIGHWAY."

Also:

H. J. R. 16. DESIGNATING A CERTAIN ROAD IN JACKSON COUNTY AS THE "JOE ABBOTT DRIVE."

Also:

H. J. R. 26. REPEALING ACT NO. 302, HJR 227, 1976, REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR

THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

Also:

H. J. R. 80. MOURNING THE DEATH OF PATRICIA HUDGINS MCMAHAN OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 119. CREATING A JOINT LEGISLATIVE COMMITTEE ON THE ISSUE OF THE HOMELESS IN ALABAMA.

Also:

H. J. R. 149. EXPRESSING FURTHER LEGISLATIVE INTENT RELATING TO ACT NO. 81-418, H. 857, REGULAR SESSION 1981 (ACTS 1981, P. 661) AND ACT NO. 87-229, HJR 312, REGULAR SESSION 1987, PROVIDING FOR CERTAIN COUNTY OFFICIALS IN LIMESTONE COUNTY, ALABAMA.

Also:

H. J. R. 322. MADISON COUNTY COMMISSION URGED NOT TO PAY FOR UNSPONSORED AND UNREQUESTED ADVERTISED BILLS.

Also:

H. J. R. 479. COMMENDING THE HARTSELLE LADY TIGERS BASKETBALL TEAM ON ITS 1987-1988 CHAMPIONSHIP SEASON.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the Alabama State Department of Mental Health and Mental Retardation pursuant to Code of Alabama 1975, §15-16-43, shall not be released from custody unless such release is authorized by court order,

except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement and modification of conditions on the release of such defendants where appropriate; and to provide for recommitment or release without conditions of such persons where appropriate.

Also:

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for certain municipal employees on a certain date, so as to add certain employees of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 79. REQUESTING THE STATE DEPARTMENTS OF EDUCATION, HIGHWAY, PUBLIC HEALTH, MENTAL HEALTH AND MENTAL RETARDATION, AND INDUSTRIAL RELATIONS TO DESIGNATE STAFF PERSONS TO IDENTIFY POTENTIAL CHILD DAY CARE SUPPORT SERVICES AVAILABLE WITHIN THEIR DEPARTMENTS, AND TO COORDINATE THE UTILIZATION OF SUCH SERVICES THROUGH THE GOVERNOR'S CHILD DAY CARE RESOURCE COORDINATOR AND THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR.

Also:

S. J. R. 228. COMMENDING MARIAH BRADFORD BRYMER OF ROCKFORD, ALABAMA, FOR DISTINGUISHED SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

Also:

S. J. R. 229. NAMING THE WRIGHT S. GILCHRIST ROOM IN THE ALABAMA SCHOOL FOR THE DEAF STUDENT CENTER.

Also:

S. J. R. 230. NAMING THE ROGERS SMITH INDEPENDENT LIVING CENTER AT THE ALABAMA SCHOOL FOR THE BLIND.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1037. To authorize the Calhoun County Commission to impose excise taxes on persons, corporations, partnerships, companies, agencies,

associations, trusts, estates and other entities engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in Calhoun County not to exceed two cents (\$.02) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Calhoun County Commission to make reasonable rules and regulations for the collection of such taxes, to provide for the enforcement of this act and to fix a penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Calhoun County Commission for the collection of said taxes and to provide for an advisory referendum or election of the qualified electors of Calhoun County as to whether the excise tax should be imposed by the Calhoun County Commission.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 234. CONGRATULATING DARYLE SAGER, OF MONTGOMERY, ALABAMA, FOR OUTSTANDING GOLFING ACHIEVEMENTS.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 992. Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Senator Menton offered the following Senate Resolutions, to-wit:

S. R. 235. MOURNING THE DEATH OF STEVE CLIKAS OF MOBILE, ALABAMA.

Also:

S. R. 236. COMMENDING BERNICE B. HUDSON.

Which were filed.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 502. CONGRATULATING THE CLASS OF 1938 OF TALLAPOOSA COUNTY HIGH SCHOOL ON THEIR 50TH CLASS RE-UNION.

Also:

H. J. R. 505. CONGRATULATING THE AUBURN UNIVERSITY WOMEN'S BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 508. NAMING A PORTION OF ALABAMA HIGHWAY 69, THE "MOUND STATE PARKWAY."

Also:

H. J. R. 510. COMMENDING MRS. JOSEPHINE GULLAGE, CERTIFIED MUNICIPAL CLERK OF MIDLAND CITY.

Also:

H. J. R. 511. DESIGNATING MAY 19, 1988, AS "MARSHALL NEWMAN DAY" IN ALABAMA.

Also:

H. J. R. 513. NAMING THE BASEBALL FIELD AT GADSDEN STATE COMMUNITY COLLEGE, GADSDEN, ALABAMA, THE "COY ARMSTRONG BASEBALL FIELD."

Also:

H. J. R. 515. DESIGNATING A PORTION OF THE OLD HIGHWAY 231 IN DALE AND HOUSTON COUNTIES, THE "PHILLIP J. HAMM DRIVE."

Also:

H. J. R. 520. COMMENDING DR. SVEN-PETER MANNSFELD, MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1034. To propose an amendment to the Constitution of Alabama of 1901, relating to and authorizing the levy and collection, by the governing body of Lee County, of financial charges or assessments on property within the boundaries of any one or more fire fighting districts in Lee County, the holding of elections within such districts to approve the rate or rates and duration of such financial charges or assessments, providing that such financial charges or assessments need not be assessed in exact proportion to value, and providing for the expenditure of the proceeds from such financial charges or assessments; to fix a date for an election upon such proposed amendment; and to provide for publication of notice thereof prior to such election.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1033. Relating to Lee County; to authorize the county commission, subject to the referendum approval of a majority of the qualified electors of any fire fighting district, to levy and collect charges on property within fire fighting districts of Lee County; to authorize the county commission to establish fire protection districts and enter into agreements with volunteer fire departments for fire protection services in said districts; to provide for the assessment, collection, and use of the proceeds of such charges; and to provide for a procedure of holding referendum elections in fire protection districts in order to ratify the charges herein authorized.

Also:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

Also:

H. 1043. To authorize the Chilton County Commission to provide protection against forest fires within the county and to assess the whole or part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to repeal Act No. 81-839, H. 1116, 1981 Regular Session.

Also:

H. 1044. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

Also:

H. 1045. Applying only to Bibb County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Also:

H. 1031. Relating to Randolph County; to change the method of compensating the judge of probate; to fix such compensation; to provide that fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate shall be collected and paid into the general fund of the county and the salary paid from the said county general fund; and providing for personnel, quarters and supplies for the probate office.

Also:

H. 1036. To amend Act No. 274, H. 990, 1975 Regular Session (Acts of 1975, p. 809), as amended, which provided that the provisions of Act No. 384, H. 946, 1969 Regular Session (Acts of 1969, p. 754), which provided a civil service system for the employees of the sheriff's office of Calhoun County, shall apply to certain regular employees of Calhoun County, so as to except certain persons from the application of said act; further to provide that the Civil Service Board of Calhoun County, Alabama shall be authorized to select and retain legal counsel of its own choice; and further to provide for the annual appropriation for the said board.

Also:

H. 1038. To levy an additional lodgings tax in Etowah County; to provide for the collection and distribution of net revenues generated by said tax; and to provide that the net proceeds of said tax shall be used exclusively for purposes of promoting tourism and beautification in Etowah County.

Also:

H. 1039. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Also:

H. 1041. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

Also:

H. 1051. Notice is hereby given of the intention to introduce and ask for passage at the present session of the Legislature of the State of Alabama of the following Act:

An Act to provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416, and to provide for retroactive effect.

Also:

H. 1054. Relating to the City of Gadsden in Etowah County; to provide that civil service board members shall receive compensation in the amount of \$50.00 a month.

Also:

H. 1061. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

Also:

H. 1046. Relating to Baldwin County; providing for the compensation of the board of equalization.

Also:

H. 1047. To alter, rearrange and extend the boundary lines and corporate limits of the City of Sylacauga in Talladega County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Also:

H. 1053. To alter, rearrange and extend the boundaries and corporate limits of the City of Daphne, Alabama, so as to incorporate certain territory as described herein and provide for form of government and operation thereof.

Short Title "Daphne Annexation Act I"

Also:

H. 1055. Relating to Elmore County; providing further for the procedure for selling and redeeming lands for taxes.

Also:

H. 1057. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

Also:

H. 1027. Relating to Marshall County; levying an additional tax on the wholesale price of all spirituous or vinous liquors sold in the county and providing for disposition of the proceeds from such taxes.

Also:

H. 1029. Relating to St. Clair County; providing for the collection of the one and a half percent sales taxes levied by the county commission.

Also:

H. 1030. Relating to Marion County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 1032. Relating to Elmore County; to provide for the creation, maintenance and regulation of districts for fighting or preventing fires, and providing other related services, and to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; and to provide for the creation of the Elmore County Fire Protection Board.

Also:

H. 736. Relating to Conecuh County; to provide that beer or ale may be sold in cans not exceeding one quart or 32 ounces in size.

Also:

H. 769. Relating to Etowah County, establishing the Etowah County Sports Hall of Fame, providing for its membership to be selected by the Selection Criteria Committee, and providing for its location.

Also:

H. 578. To impose a filing fee of Two Dollars (\$2.00) on certain instruments, documents, and papers filed for record in the office of the Probate Judge of Etowah County, the funds collected therefrom to be used exclusively for the funding of the mental health program in Etowah County.

Also:

H. 937. To authorize the Montgomery County Board of Health to designate the services for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 1028. Relating to Morgan County; creating the East Morgan County Industrial Development Board; to provide for the board's membership, terms of office, powers and responsibilities; and to provide funding for the board, retroactive to October 1, 1987.

Also:

H. 848. Relating to the City of Montgomery; providing that city employees shall observe and be given certain holidays.

Also:

H. 1059. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Also:

H. 1040. Relating to Mobile County; to authorize the incorporation of public corporations to acquire, enlarge, improve, replace, own, lease and dispose of properties to the end that such corporations may be able to develop land as sites for industrial parks in Mobile County which shall be deemed to include the provision of water, sewage, drainage, transportation, and communication facilities and other similar facilities which are incidental to the use of land as an industrial park; to provide for the election and compensation of directors of any such corporation; to provide for the powers and duties of any such corporation and its board of directors; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this act shall not constitute or create a debt of the county, or of any municipality or political subdivision of the county; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation, including license and excise taxes, levied by the county or any municipality, or political subdivision of the county; and to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all such taxation.

Also:

H. 1042. Relating to Greene County, amending Act No. 84-530, H. 239, 1984 Regular Session, which provides for the distribution of the proceeds from the beer tax, so as to provide further for said distribution.

Also:

H. 813. Relating to the Alabama Department of Forensic Sciences; to authorize the transfer of two drug chemists from the Mobile City Laboratory into the Alabama Department of Forensic Sciences Mobile Laboratory; to authorize their appointment from the Certified List of Eligibles regardless of their standing on the list and to provide for any accrued retirement benefits to be handled as per current law.

WHEREAS, the City of Mobile Police Department now funds and operates a city drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences now funds and operates a similar drug laboratory in Mobile; and

WHEREAS, the Alabama Department of Forensic Sciences provides drug chemistry testing and other forensic services to all other Alabama cities and counties; and

WHEREAS, the City of Mobile and the Alabama Department of Forensic Sciences desire to reduce taxpayer costs; and

WHEREAS, both agencies desire to consolidate the drug chemistry laboratories in Mobile; and

WHEREAS, the two city employees are now on the appropriate Merit System register of qualified applicants; and

WHEREAS, the acceptance of the two employees will not violate, but indeed will enhance the pertinent federal court order on state hiring; now therefore,

Also:

H. 1020. Relating to Mobile County; to provide further for the City of Prichard Water Works and Sewer Board; to amend Act No. 161, S. 171, of the 1957 Regular Session (Acts 1957, p. 210), Sections 1 through 34, which created the Water Works and Sewer Board Employees' Pension and Relief Fund; to provide for the setting apart of such funds; to create a pension and relief system applicable to all permanent employees of such board; to provide for appropriations from the board to make up any deficit in the pension and relief fund; to provide for the placement and handling of such funds and the handling of applications therefor and operation of such system; to exempt such funds from being subject to garnishment or levy or sale under execution or otherwise; to provide payment for disabled and retired employees of such board; to provide appropriations for funeral expenses upon the death of any employee of the board; to provide for gifts, donations, legacies to such fund and for the appointment of trustees and for the creation of a board of pensions for all purposes in connection herewith; to provide penalties for violation of its provisions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 992. Relating to Baldwin County; to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Act No. 87-818, S. 658 of the 1987 Regular Session of the Legislature which provided for a Planning and Zoning Commission for certain areas in Baldwin County, so as to clarify certain terms used in said act; to further prescribe the jurisdiction of such commission for planning purposes; to provide further for such commission's powers and duties; to provide further for such commission's authority relative to existing historic and preservation districts; to prescribe such commission's

authority relative to situations where a planning district's boundaries overlap the boundaries of a municipality; to provide further for the qualifications of members of the planning district committee in a certain planning district; to prescribe how certain assessment funds that are not expended on preparation of planning and zoning plans may be expended; to provide further for procedures for adopting district plans for planning and zoning; to provide that no project shall be constructed prior to issuance of a valid land use certificate; to provide for issuance of land use certificates for certain projects; to provide for a board of adjustment to rule on variances and to prescribe certain procedures to be followed by such board and to provide further for penalties and remedies under said act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1037. To authorize the Calhoun County Commission to impose excise taxes on persons, corporations, partnerships, companies, agencies, associations, trusts, estates and other entities engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in Calhoun County not to exceed two cents (\$.02) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the Calhoun County Commission to make reasonable rules and regulations for the collection of such taxes, to provide for the enforcement of this act and to fix a penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Calhoun County Commission for the collection of said taxes and to provide for an advisory referendum or election of the qualified electors of Calhoun County as to whether the excise tax should be imposed by the Calhoun County Commission.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 680. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Marion County Public Water Authority by a general or a local act of the Legislature.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 369. Relating to Class 1 municipalities; to exempt such municipalities from the payment of all oil, gasoline and diesel fuel taxes of any nature whatsoever.

Also:

S. 477. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief and retirement system for municipal officers and employees pursuant to the policemen's pension and relief plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified: The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, p. 264); the Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, p. 1067); and Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, p. 280), so as to provide that certain minimum monthly benefits shall be payable to certain persons.

Also:

S. 651. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville, annexing certain territory to the city.

Also:

S. 675. Relating to Morgan County; providing further for an additional expense allowance for the county commissioner of licenses of said county and providing for the payment thereof.

Also:

S. 678. Relating to Lamar County; providing further for the compensation of the judge of probate; repealing conflicting laws.

Also:

S. 682. Providing for a local salary supplement for the judge of the 17th judicial circuit; providing that any local salary supplement provided for said judge by this act shall be in lieu of all local salary supplements and expense allowances heretofore provided by law for said judge and prescribing the methods for determining and funding the local salary supplement provided by this act for said judge.

Also:

S. 683. Relating to Bibb County; to provide for a 2 mill ad valorem tax, effective October 1, 1988, and to provide that the proceeds of said tax shall be used for maintenance, repair and necessary additions of the county courthouse, subject to the approval of majority of the county's qualified electors voting as a referendum election held for such purpose.

Also:

S. 687. Relating to Madison County; to further provide that the county commission may provide additional compensation for poll officials in an amount not less than \$10 per day from the county general fund, by amending Act No. 79-660, Regular Session 1979, (Acts 1979, p. 1142).

Also:

S. 688. To alter, rearrange and extend the boundary lines and corporate limits of the City of Opelika in Lee County, Alabama, so as to include within the corporate limits of said city certain additional territory.

Also:

S. 689. Relating to Houston County of the Twentieth Judicial Circuit; providing certain local salary supplements for the judges and district attorney in said county to be paid from the Houston County General Fund.

Also:

S. 690. To provide for proration of the payment of the salary of the Revenue Commissioner of Henry County in the same manner as provided for the payment of the Clerks' salaries in the office of the Revenue Commissioner, as provided for under Act No. 84-416; and to provide for retroactive effect.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 517. To make it unlawful to use certain pipes, solder or flux in the construction, installation or repair of certain drinking water facilities and systems; authorizing the Alabama Department of Environmental Management to establish provisions and to promulgate rules and regulations to protect drinking water from lead contamination by prohibiting use of any pipes, solder, or flux which are not lead-free in the construction of any public water system or piping providing water for human consumption which is connected to a public water system, prescribing penalties for violation and to provide for compliance with the 1986 Federal Safe Drinking Water Act.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Senators Bishop, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J) offered the following Senate Resolution, to-wit:

S. R. 237. MOURNING THE DEATH OF MRS. KATHERINE MANOLAKIS OF BIRMINGHAM, ALABAMA.

Which was filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

JOHN W. PEMBERTON,
Clerk.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 104. To amend Sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76, Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 137. To provide that a criminal defendant committed to the custody of the Commissioner of the Alabama State Department of Mental Health and Mental Retardation pursuant to Code of Alabama 1975, §15-16-43, shall not be released from custody unless such release is authorized by court order, except in certain circumstances; to provide for notice and hearings related to such release; to provide for placement and modification of conditions on the release of such defendants where appropriate; and to provide for recommitment or release without conditions of such persons where appropriate.

Also:

S. 159. To further amend Section 36-27-51, Code of Alabama 1975, as amended, reopening the Employees' Retirement System of Alabama for certain municipal employees on a certain date, so as to add certain employees

of political subdivisions thereof; to prescribe eligibility therefor and the payment for certain creditable service.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 330. To provide for the conservation of the natural resources of the State; designating the caves and caverns of the State and the flora, fauna, mineral deposits and formations therein as worthy of preservation, protection and development for scenic, scientific, recreational, business and commercial purposes; protecting the rights of property owners and the general public in caves; to provide for liability for certain acts, to prohibit vandalism and pollution; to designate certain acts relative to caves and their contents as criminal offenses and to prescribe penalties therefor.

Also:

S. 517. To make it unlawful to use certain pipes, solder or flux in the construction, installation or repair of certain drinking water facilities and systems; authorizing the Alabama Department of Environmental Management to establish provisions and to promulgate rules and regulations to protect drinking water from lead contamination by prohibiting use of any pipes, solder, or flux which are not lead-free in the construction of any public water system or piping providing water for human consumption which is connected to a public water system, prescribing penalties for violation and to provide for compliance with the 1986 Federal Safe Drinking Water Act.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 79. REQUESTING THE STATE DEPARTMENTS OF EDUCATION, HIGHWAY, PUBLIC HEALTH, MENTAL HEALTH AND MENTAL RETARDATION, AND INDUSTRIAL RELATIONS TO DESIGNATE STAFF PERSONS TO IDENTIFY POTENTIAL CHILD DAY CARE SUPPORT SERVICES AVAILABLE WITHIN THEIR DEPARTMENTS, AND TO COORDINATE THE UTILIZATION OF SUCH SERVICES THROUGH THE GOVERNOR'S CHILD DAY CARE RESOURCE COORDINATOR AND THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR.

Also:

S. J. R. 81. REQUESTING THE GOVERNOR'S OFFICE TO DEVELOP AND PRODUCE PUBLIC SERVICE ANNOUNCEMENTS ON CHILD DAY CARE.

Also:

S. J. R. 82. REQUESTING THAT ADO/ADECA, THE ATTORNEY GENERAL'S OFFICE AND OTHER APPROPRIATE AGENCIES DEVELOP AND UTILIZE BROCHURES ADDRESSING THEIR AGENCIES' ROLES IN CHILD DAY CARE.

Also:

S. J. R. 83. REQUESTING THE DEPARTMENT OF HUMAN RESOURCES TO DEVELOP AND UTILIZE A BROCHURE ADDRESSING PARENT/PROVIDER/DEPARTMENT OF HUMAN RESOURCES JOINT RESPONSIBILITIES IN CHILD DAY CARE.

Also:

S. J. R. 85. REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN RESOURCES TO CONDUCT A JOINT STUDY OF CHILD CARE PROGRAMS OPERATING FOUR HOURS OR LESS A DAY.

Also:

S. J. R. 86. REQUESTING THAT THE LEGISLATIVE MEMBERS OF THE JOINT GOVERNOR'S-LEGISLATIVE CHILD DAY CARE TASK FORCE WORK WITH THE ALABAMA LEAGUE OF MUNICIPALITIES TO DEVELOP A PLAN WHICH ADDRESSES THE ZONING PROBLEMS OF FAMILY DAY CARE HOMES, WITH RECOMMENDATIONS FOR CORRECTIVE ACTIONS.

Also:

S. J. R. 88. REQUESTING THAT THE DEPARTMENT OF HUMAN RESOURCES CHILD DAY CARE COORDINATOR, ADO/ADECA STAFF DESIGNEES AND THE DEPARTMENT OF REVENUE STUDY

AND RECOMMEND FEASIBLE TAX INCENTIVES FOR EMPLOYER SUPPORT OF CHILD DAY CARE.

Also:

S. J. R. 144. URGING THE DEPARTMENT OF CORRECTIONS AND OTHER STATE AGENCIES & DEPARTMENTS TO PUT PRISON INMATES TO WORK.

Also:

S. J. R. 189. NAMING THE "DONALDSON-FOREMAN DIESEL AND HEAVY EQUIPMENT BUILDING" AT DOUGLAS MACARTHUR STATE TECHNICAL COLLEGE.

Also:

S. J. R. 228. COMMENDING MARIAH BRADFORD BRYMER OF ROCKFORD, ALABAMA, FOR DISTINGUISHED SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE, AUBURN UNIVERSITY.

Also:

S. J. R. 229. NAMING THE WRIGHT S. GILCHRIST ROOM IN THE ALABAMA SCHOOL FOR THE DEAF STUDENT CENTER.

Also:

S. J. R. 230. NAMING THE ROGERS SMITH INDEPENDENT LIVING CENTER AT THE ALABAMA SCHOOL FOR THE BLIND.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

Also:

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, so as to provide for the issuance and use of proceeds of obligations of the Authority for the purpose of anticipating and providing

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for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

Also:

S. 620. To provide that no member of the teachers' retirement system of Alabama or any person retired therefrom, who as a student had prior full time employment with a state supported educational institution of higher learning, may purchase credit for such service after a specified time period and then only subject to certain conditions and limitations; to provide for the certification and purchase of such service. To provide further for the exclusion from membership of student employees in higher education whose employment is incidental to their student status, and who are hired after the effective date of this act; and to exclude from membership in the teachers' retirement system of Alabama any employee who is a student in a primary or secondary school.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

Senator Cabaniss moved that said amendment No. 1 be laid on the table, which motion was lost.

Yeas 13; Nays 20.

Yeas:

Senators:	deGraffenried	Hale	Mitchem
Barron	Dial	Hand	Preuitt
Bedsole	Dixon	Manley	Rice
Cabaniss	Ellis		

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Nays:

Senators:	Campbell	Goodwin	Menton
Amari	Corbett	Hilliard	Parsons
Bailey	Denton	Holmes	Sanders
Bedford	Figures	Horn	Smith (B)
Bennett	Foshee	Langford	Smith (J)
Bishop			

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The question then recurred on Committee amendment No. 1 to the Committee substitute for the Bill, H. B. 135.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 674. Relating to Madison County; providing an expense allowance for members of the county board of education.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

RESOLUTION

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 238. COMMENDING COACH CONRAD NIX AND THE ALBERTVILLE HIGH SCHOOL AGGIES ON THEIR 1987 FOOTBALL SEASON.

Which was filed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 94. To amend Code of Alabama 1975, §20-2-93, relating to seizure and forfeiture of property in controlled substances cases.

Also:

S. 151. To make further provisions for the issuance of obligations by Alabama Federal Aid Highway Finance Authority by amending Sections 23-1-300, 23-1-301, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, so as to provide for the issuance and use of proceeds of obligations of the Authority for the purpose of anticipating and providing for the federal share of the cost of replacing bridges on the state highway system; and to provide that pledges made of the proceeds from the taxes and fees referred to in this section shall, with respect to each obligation issued hereunder, be subject and subordinate to: (1) all pledges of the proceeds of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1986, by the Authority; and (2) any refunding bonds that may be issued by the Authority after December 1, 1986, for the purpose of refunding any of the aforementioned bonds.

Also:

S. 620. To provide that no member of the teachers' retirement system of Alabama or any person retired therefrom, who as a student had prior full time employment with a state supported educational institution of higher learning, may purchase credit for such service after a specified time period and then only subject to certain conditions and limitations; to provide for the certification and purchase of such service. To provide further for the exclusion from membership of student employees in higher education whose employment is incidental to their student status, and who are hired after

the effective date of this act; and to exclude from membership in the teachers' retirement system of Alabama any employee who is a student in a primary or secondary school.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 674. Relating to Madison County; providing an expense allowance for members of the county board of education.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

RESOLUTIONS

Senator Amari offered the following Senate Resolutions, to-wit:

S. R. 239. COMMENDING LLOYD HOUSTIN DAVIS.

Also:

S. R. 240. CONGRATULATING JAMES AND BERNICE JOHNSON
ON THE OCCASION OF THEIR 51ST WEDDING ANNIVERSARY.

Also:

S. R. 241. COMMENDING MR. JOSEPH T. (JOE) MCNULTY FOR
OUTSTANDING SERVICE TO THE CHILDREN'S HOSPITAL, BIR-
MINGHAM, ALABAMA.

Which were filed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

Also:

S. 412. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

Senator Barron moved that further consideration of the Bill and pending substitute and amendment be postponed temporarily.

On motion of Senator Figures, the motion to postpone was laid on the table.

Yeas 17; Nays 15.

Yeas:

Senators:	Campbell	Goodwin	Langford
Amari	Corbett	Hilliard	Menton
Bailey	Denton	Holmes	Parsons
Bedford	Figures	Horn	Sanders
Bennett	Foshee		

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Nays:

Senators:	deGraffenried	Hale	Preuitt	
Barron	Dial	Hand	Rice	
Bedsole	Dixon	Manley	Smith (B)	
Cabaniss	Ellis	Mitchem	Smith (J)	—15

The question then recurred on Committee amendment No. 1 to the Committee substitute for the Bill, H. B. 135.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 300. To require municipal corporations of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, provided the action of the employee was neither intentional or wilful or wanton, and to authorize the obtaining of liability insurance to cover such employees.

Also:

S. 616. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 317. To designate the official state championship horse show of Alabama.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 529. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 21. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund; so as to provide that the expenditures of funds used to support programs of the Alabama Traffic Safety Center shall not be controlled by the state department of education or any institution under its control, retroactively effective to August 8, 1987.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 161. To amend Sections 17-4-153 and 17-4-188, Code of Alabama 1975, as amended by Act No. 87-577, H. 85, 1987 Regular Session, which provides for the compensation of members of the boards of registrars, so as to increase said compensation.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 404. To amend Section 32-5A-194, Code of Alabama, 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences and providing further for chemical tests.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 435. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 135

The Senate proceeded to further consideration of the Bill, H. B. 135. The question was on the Committee amendment No. 1 to the Committee substitute.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 685. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Preuitt, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 685, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 685

Amend S. B. 685 by inserting after the period following the word "East" on page 1, line 27, the following:

Any portion of the above described territory that lies within the boundary of any hydroelectric project licensed by the Federal Energy Regulatory Commission, or predecessor agency, shall be excluded from the territory herein included in the City of Lincoln.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Hand
Amari	Cabaniss	Ellis	Hilliard
Bailey	Campbell	Figures	Holmes
Barron	deGraffenried	Foshee	Horn
Bedford	Denton	Goodwin	Langford
Bedsole	Dial	Hale	Preuitt
Bennett	Dixon		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars retroactive to October 1, 1987.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 895, without the Governor's signature and with a suggested Executive Amendment.

Done this 3rd day of May, 1988.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 895, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 895

On page 1, line 5, delete the words "~~retroactive to October 1, 1987~~".

On page 1, lines 10 and 11, delete the words ~~retroactive to October 1, 1987~~".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 3rd day of May, 1988.

Respectfully,

GUY HUNT,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 895, by a vote of a majority of those voting, said vote being: Yeas 61, Nays 0.

And said Bill, H. B. 895, as thus amended by the Executive amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 66, Nays 0.

And said Bill, H. B. 895, together with Executive amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 895, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Hilliard	Mitchem	
Amari	Cabaniss	Holmes	Parsons	
Bailey	Dial	Horn	Preuitt	
Barron	Dixon	Langford	Rice	
Bedford	Drinkard	Manley	Sanders	
Bedsole	Foshee	Menton	Smith (B)	
Bennett	Hand			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 21. To amend further Code of Alabama 1975, Section 32-5-313, relating to penalties for traffic infractions which provide funding for the driver education and training fund and the Alabama Traffic Safety Center Fund; so as to provide that the expenditures of funds used to support programs of the Alabama Traffic Safety Center shall not be controlled by the state department of education or any institution under its control, retroactively effective to August 8, 1987.

Also:

S. 161. To amend Sections 17-4-153 and 17-4-188, Code of Alabama 1975, as amended by Act No. 87-577, H. 85, 1987 Regular Session, which provides for the compensation of members of the boards of registrars, so as to increase said compensation.

Also:

S. 404. To amend Section 32-5A-194, Code of Alabama, 1975, by transferring certain Forensic Science responsibilities in the State's Chemical Test for Intoxication Act from the Department of Public Health to the Department of Forensic Sciences and providing further for chemical tests.

Also:

S. 427. To create a Black Heritage Museum of West Alabama at Stillman College; to create a repository of source materials on Black history and culture; and to provide for the authority to receive certain available funds.

Also:

S. 435. To amend Section 12-18-87, Code of Alabama 1975, which provides for the benefits for probate judges so as to provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all spouses of probate judges retired under the Judicial Retirement Fund of Alabama.

Also:

S. 296. To amend sections 36-32-1, 36-32-2 and 36-32-3, Code of Alabama 1975, which provide for the Fire Fighters' Standards and Education Commission, so as to further define certain terms, reestablish the State Fire College at Shelton State Community College, provide for the administration of the State Fire College, provide further for the appropriations to the State Fire College, and repeal sections 16-59-1 through 16-59-4, Code of Alabama 1975, which relate to the State Fire College.

Also:

S. 685. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF THE COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 135. To amend Section 13A-3-1, Code of Alabama 1975, relating to the defense of insanity or mental disease or defect, so as to define the defense; to specify the burden of proof; to specify the conduct to which this act applies; and to provide an effective defense.

Also:

S. 616. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

Also:

S. 317. To designate the official state championship horse show of Alabama.

Also:

S. 300. To require municipal corporations of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the course of their employment, provided the action of the employee was neither intentional or wilful or wanton, and to authorize the obtaining of liability insurance to cover such employees.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, had compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 412. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the investment of the Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama; to provide that investment conditions applicable to the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama that are more restrictive than the investment conditions of Amendment No. 450 to the Constitution of Alabama of 1901 shall not apply to the investment of Trust Capital and Trust Income held in either The Alabama Heritage Trust Fund or the Alabama Trust Fund and that Trust Capital and Trust Income held in either such fund may be invested in accordance with the conditions of said Amendment No. 450; and to provide that any capital gains realized from the sale of any investments forming a part of either The Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the Trust Capital of the fund in which such investments were held.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 529. To propose an amendment to the Constitution of Alabama of 1901, as amended, which relates to the authority of the Alabama music hall of fame board to constitute an authority to issue general obligation bonds for capital outlay purposes and for the purposes for which it was created and to prescribe the powers thereof; to provide for the operation of the board as such authority, the allocation and expenditure of funds; to provide for exemptions from any and all taxes of any nature whatsoever; to provide that in the event appropriations, current revenues or bond proceeds are insufficient to cover costs, the state of Alabama shall pledge its full faith and credit; to provide that the legislature may enact subsequent legislation relating to said music hall supplemental to this amendment or in furtherance of the purposes and objectives of the provisions not in conflict herewith; and to provide that this amendment shall be self-executing when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended.

BILL DRINKARD,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 895. Relating to Dale County; providing for certain county compensation to be paid from the county general fund to the chairperson and members of the board of registrars.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

JOHN W. PEMBERTON,
Clerk.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, and finds same correctly enrolled, to-wit:

S. J. R. 226. CREATING THE JOINT INTERIM STUDY COMMITTEE ON THE FUNDING PROCESS FOR THE OPERATION OF STATE GOVERNMENT.

BILL DRINKARD,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 9	S. B. 515	S. B. 666
S. B. 10	S. B. 591	S. B. 667
S. B. 71	S. B. 592	S. B. 668
S. B. 140	S. B. 607	S. B. 672
S. B. 181	S. B. 610	S. B. 673
S. B. 182	S. B. 618	S. J. R. 209

REGULAR SESSION
30th Day

2271

S. B. 276 S. B. 652 S. J. R. 215

S. B. 514 S. B. 665

Delivered to the Governor May 5, 1988, at 10:30 A.M.

S. B. 257

Delivered to the Secretary of State May 5, 1988, at 10:35 A.M.

S. B. 663

Delivered to the Secretary of State May 5, 1988, at 10:36 A.M.

S. B. 680

Delivered to the Secretary of State May 5, 1988, at 3:45 P.M.

S. B. 369 S. B. 678 S. B. 688

S. B. 477 S. B. 682 S. B. 689

S. B. 651 S. B. 683 S. B. 690

S. B. 675 S. B. 687

Delivered to the Governor May 5, 1988, at 3:47 P.M.

S. B. 137 S. J. R. 82 S. J. R. 189

S. B. 159 S. J. R. 83 S. J. R. 228

S. B. 330 S. J. R. 85 S. J. R. 229

S. B. 517 S. J. R. 86 S. J. R. 230

S. J. R. 79 S. J. R. 88 S. B. 104

S. J. R. 81 S. J. R. 144

Delivered to the Governor May 5, 1988, at 8:30 P.M.

S. B. 674 S. B. 151 S. B. 620

S. B. 94

Delivered to the Governor May 5, 1988, at 10:40 P.M.

S. B. 21 S. B. 435 S. B. 616

S. B. 161 S. B. 296 S. B. 317

S. B. 404 S. B. 685 S. B. 300

S. B. 427 S. B. 135

Delivered to the Governor May 5, 1988, at 11:55 P.M.

S. B. 412

Delivered to the Secretary of State May 5, 1988, at 11:55 P.M.

S. B. 529

Delivered to the Secretary of State May 5, 1988, at 11:58 P.M.

S. J. R. 226

Delivered to the Governor May 5, 1988, at 11:59 P.M.

McDOWELL LEE,
Secretary of Senate.**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

BILL DRINKARD,
Chairperson.**COMMITTEE REPORT**

On motion of Senator Drinkard, the foregoing report was concurred in and the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days were approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, on motion of Senator deGraffenried, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

ROSTER OF THE SENATE OF ALABAMA

1988

Jim Folsom, Jr., <i>Lieutenant Governor</i>	Alabama State House, Montgomery
Ryan deGraffenried, <i>President Pro-Tem</i>	Tuscaloosa
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert	
Bobby Denton	P.O. Box 987 Tuscumbia 35674
District No. 2—Madison, Limestone, Lauderdale	
Jim Smith	108-A South Side Square Huntsville 35801
District No. 3—Lawrence, Morgan	
Ray Campbell	Rt. 4, Box 43 Town Creek 35672
District No. 4—Cullman, Morgan, Madison	
Don Hale	409 6th St. S.W., Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker	
Charles Bishop	P.O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette	
Roger H. Bedford	P.O. Box 669, Russellville 35653
District No. 7—Madison	
Bill G. Smith	2009 Gallatin St., S.W. Huntsville 35801
District No. 8—Madison, Jackson, DeKalb	
Lowell R. Barron	P.O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb	
Hinton Mitchem	P.O. Box 297, Albertville 35950
District No. 10—Etowah	
Bill Drinkard	Holy Name of Jesus Medical Center Morgagne Park, Gadsden 35902
District No. 11—Elmore, Talladega, Coosa	
Jim Preuitt	P.O. Box 1063, Talladega 35160
District No. 12—Calhoun	
Donald G. Holmes	P.O. Box 3383 Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb	
Gerald Dial	P.O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb	
Frank (Butch) Ellis, Jr.	P.O. Box 587 Columbiana 35051

- District No. 15—Jefferson
 John E. Amari 9636 Parkway East, Birmingham 35215
- District No. 16—Jefferson
 William J. Cabaniss, Jr. P.O. Box 19925
 Birmingham 35219
- District No. 17—Jefferson
 Mac Parsons 2027 2nd Ave. N., Birmingham 35203
- District No. 18—Jefferson
 Fred Horn 900 4th St. N., Birmingham 35204
- District No. 19—Jefferson
 Jim Bennett Suite 100, 130 Building
 130 Vulcan Road, Birmingham 35207
- District No. 20—Jefferson
 Earl F. Hilliard P.O. Box 11385, Birmingham 35202
- District No. 21—Hale, Tuscaloosa
 Ryan deGraffenried, Jr. P.O. Box 2263
 Tuscaloosa 35403
- District No. 22—Marengo, Clarke, Choctaw,
 Washington, Monroe, Conecuh
 Rick Manley P.O. Drawer U
 Demopolis 36732
- District No. 23—Choctaw, Sumter, Greene, Perry,
 Dallas, Wilcox, Lowndes
 Henry (Hank) Sanders P.O. Box 1305, Selma 36702
- District No. 24—Dallas, Autauga, Chilton, Bibb
 Earl Goodwin P.O. Box 886, Selma 36702
- District No. 25—Montgomery
 Larry Dixon P.O. Box 946, Montgomery 36102
- District No. 26—Montgomery, Elmore
 Charles D. Langford 352 Dexter Ave.
 Montgomery 36104
- District No. 27—Tallapoosa, Lee
 John Rice P.O. Box 4008, Opelika 36803
- District No. 28—Macon, Bullock, Barbour, Russell
 J. Danny Corbett Rt. 7, Box 821, Phenix City 36867
- District No. 29—Henry, Houston, Geneva
 Chip Bailey P.O. Box 6791, Dothan 36301
- District No. 30—Butler, Crenshaw, Pike, Dale
 J. Foy Covington, Jr. Rt. 2, Newville 36353
- District No. 31—Coffee, Covington, Escambia
 E. (Crum) Foshee Alabama State House
 Montgomery 36130
- District No. 32—Baldwin, Mobile
 Perry A. Hand P.O. Box 478, Gulf Shores 36542

- District No. 33—Mobile
Michael Figures 2317 St. Stephens Rd.
Mobile 36617
- District No. 34—Mobile
Ann Bedsole P.O. Box 16642, Mobile 36616
- District No. 35—Mobile
William J. (Bill) Menton Rt. 2, Box 171
Irvington 36544

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1988**

BANKING AND INSURANCE

Drinkard, Chairperson; Cabaniss, Vice Chairperson; Amari, Bedford, Covington, deGraffenried, Dixon, Figures, Foshee, Goodwin, Smith (J).

RULES

Drinkard, Chairperson; Smith (J), Vice Chairperson; Barron, Bedford, Bishop, Dial, Figures, Foshee, Manley, Preuitt, Smith (B).

HEALTH

Smith (J), Chairperson; Preuitt, Vice Chairperson; Bailey, Bedsole, Dial, Dixon, Drinkard, Hale, Smith (B).

FINANCE AND TAXATION

Horn, Chairperson; Barron, Deputy Chairperson.

GENERAL FUND SUBCOMMITTEE

Hand, Vice Chairperson; Amari, Bedford, Cabaniss, Denton, Ellis, Figures, Goodwin, Manley, Preuitt, Smith (B).

EDUCATIONAL FUND SUBCOMMITTEE

Ellis, Vice Chairperson; Bennett, Bishop, Covington, deGraffenried, Dial, Hand, Hilliard, Rice, Sanders, Smith (J).

ECONOMIC AFFAIRS

Amari, Chairperson; Smith (B), Vice Chairperson; Bedford, Bennett, Campbell, Corbett, Holmes, Langford, Mitchem, Parsons, Sanders.

CONSUMER AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Holmes, Sanders.

INTERNATIONAL AND DOMESTIC TRADE SUBCOMMITTEE

Smith (B), Chairperson; Campbell, Amari.

JUDICIARY

Preuitt, Chairperson; Barron, Vice Chairperson; Bailey, Bedsole, Cabaniss, Dial, Dixon, Hale, Hand, Langford, Menton, Smith (J).

GOVERNMENTAL AFFAIRS

Manley, Chairperson; Bedford, Vice Chairperson; Bishop, Campbell, Corbett, Covington, Denton, Dixon, Ellis, Hale, Holmes, Langford, Mitchem, Parsons, Sanders.

MILITARY AFFAIRS SUBCOMMITTEE

Dixon, Chairperson; Hale, Holmes.

STUDENT AFFAIRS SUBCOMMITTEE

Bedford, Chairperson; Campbell, Sanders.

NATURAL RESOURCES

Bishop, Chairperson; Foshee, Vice Chairperson; Covington, Dial, Drinkard, Menton, Preuitt.

MINING AND RECLAMATION SUBCOMMITTEE

Bishop, Chairperson; Dial, Foshee.

OIL AND GAS SUBCOMMITTEE

Menton, Chairperson; Bishop, Drinkard.

WATERWAYS SUBCOMMITTEE

Preuitt, Chairperson; Covington, Dial.

AGRICULTURE, CONSERVATION, AND FORESTRY

Bedsole, Chairperson; Mitchem, Vice Chairperson; Bailey, Barron, Bishop, Campbell, Covington, Denton, Ellis, Hale, Hand, Holmes, Menton.

COASTAL WATERS CONSERVATION SUBCOMMITTEE

Menton, Chairperson; Bedsole, Hand.

FORESTRY, FISH, AND GAME SUBCOMMITTEE

Ellis, Chairperson; Holmes, Mitchem.

PUBLIC WELFARE

Rice, Chairperson; Amari, Vice Chairperson; Bennett, Corbett, Mitchem.

COMMITTEE ON AGING SUBCOMMITTEE

Amari, Chairperson; Bennett, Rice.

EDUCATION

Bailey, Chairperson; Hand, Vice Chairperson; Barron, Bedsole, Bennett, Dial, Menton, Parsons, Preuitt, Rice, Smith (B).

BUSINESS AND LABOR RELATIONS

Foshee, Chairperson; Rice, Vice Chairperson; Barron, Cabaniss, Hand, Holmes, Langford, Mitchem, Preuitt.

COMMERCE, TRANSPORTATION, AND UTILITIES

Dial, Chairperson; Amari, Vice Chairperson; Campbell, Covington, Denton, Dixon, Ellis, Foshee, Hilliard.

STATE DEVELOPMENT AND TOURISM

deGraffenried, Chairperson; Goodwin, Vice Chairperson; Bishop, Foshee, Manley.

SMALL BUSINESS

Holmes, Chairperson; Denton, Vice Chairperson; Bedford, Corbett, Dixon, Hale, Langford.

LOCAL LEGISLATION NO. 1

Covington, Chairperson; Foshee, Vice Chairperson; Bedford, Bishop, Goodwin, Manley, Sanders.

LOCAL LEGISLATION NO. 2

Hilliard, Chairperson; Amari, Vice Chairperson; Bennett, Cabaniss, Horn, Parsons.

LOCAL LEGISLATION NO. 3

Figures, Chairperson; Menton, Vice Chairperson; Bedsole, Hand.

COMMITTEE ASSIGNMENTS FOR 1988
ALABAMA STATE SENATE

21st District

RYAN deGRAFFENRIED—Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee).

15th District

JOHN AMARI—Chairperson, Economic Affairs (International and Domestic Trade subcommittee); Vice Chairperson, Public Welfare (Chairperson, Committee on Aging subcommittee); Vice Chairperson, Commerce, Transportation, and Utilities; Vice Chairperson, Local Legislation No. 2; Banking and Insurance; Finance and Taxation (General Fund subcommittee).

29th District

CHIP BAILEY—Chairperson, Education; Health; Judiciary; Agriculture, Conservation, and Forestry.

8th District

LOWELL BARRON—Deputy Chairperson, Finance and Taxation; Vice Chairperson, Judiciary; Rules; Agriculture, Conservation, and Forestry; Education; Business and Labor Relations.

6th District

ROGER BEDFORD—Vice Chairperson, Governmental Affairs (Chairperson, Student Affairs subcommittee); Economic Affairs (Chairperson, Consumer Affairs subcommittee); Banking and Insurance; Rules; Finance and Taxation (General Fund subcommittee); Small Business; Local Legislation No. 1.

34th District

ANN BEDSOLE—Chairperson, Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Health; Judiciary; Education; Local Legislation No. 3.

19th District

JIM BENNETT—Finance and Taxation (Educational Fund subcommittee); Economic Affairs; Public Welfare (Committee on Aging subcommittee); Education; Local Legislation No. 2.

5th District

CHARLES BISHOP—Chairperson, Natural Resources (Chairperson, Mining and Reclamation subcommittee) (Oil and Gas subcommittee); Rules; Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; State Development and Tourism; Local Legislation No. 1.

16th District

BILL CABANISS—Vice Chairperson, Banking and Insurance; Finance and Taxation (General Fund subcommittee); Judiciary; Business and Labor Relations; Local Legislation No. 2.

3rd District

RAY CAMPBELL—Economic Affairs (International and Domestic Trade subcommittee); Governmental Affairs (Student Affairs subcommittee); Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

28th District

DANNY CORBETT—Economic Affairs; Governmental Affairs; Public Welfare; Small Business.

30th District

FOY COVINGTON—Chairperson, Local Legislation No. 1; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee); Governmental Affairs; Natural Resources (Waterways subcommittee); Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

1st District

BOBBY DENTON—Vice Chairperson, Small Business; Finance and Taxation (General Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry; Commerce, Transportation, and Utilities.

13th District

GERALD DIAL—Chairperson, Commerce, Transportation, and Utilities; Rules; Health; Finance and Taxation (Educational Fund subcommittee); Judiciary; Natural Resources (Mining and Reclamation subcommittee) (Waterways subcommittee); Education.

25th District

LARRY DIXON—Banking and Insurance; Health; Judiciary; Governmental Affairs (Chairperson, Military Affairs subcommittee); Commerce, Transportation, and Utilities; Small Business.

10th District

BILL DRINKARD—Chairperson, Banking and Insurance; Chairperson, Rules; Health; Natural Resources (Oil and Gas subcommittee).

14th District

FRANK (BUTCH) ELLIS, JR.—Finance and Taxation (Vice Chairperson, Educational Fund subcommittee), (General Fund subcommittee); Governmental Affairs; Agriculture, Conservation, and Forestry (Chairperson, Forestry, Fish, and Game subcommittee); Commerce, Transportation, and Utilities.

33rd District

MICHAEL FIGURES—Chairperson, Local Legislation No. 3; Banking and Insurance; Rules; Finance and Taxation (General Fund subcommittee).

31st District

CRUM FOSHEE—Chairperson, Business and Labor Relations; Vice Chairperson, Natural Resources (Mining and Reclamation subcommittee); Vice Chairperson, Local Legislation No. 1; Banking and Insurance; Rules; Commerce, Transportation, and Utilities; State Development and Tourism.

24th District

EARL GOODWIN—Vice Chairperson, State Development and Tourism; Banking and Insurance; Finance and Taxation (General Fund subcommittee); Local Legislation No. 1.

4th District

DON HALE—Health; Judiciary; Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry; Small Business.

32nd District

PERRY HAND—Finance and Taxation (Vice Chairperson, General Fund subcommittee); Vice Chairperson, Education; Finance and Taxation (Educational Fund subcommittee); Judiciary; Agriculture, Conservation, and Forestry (Coastal Waters Conservation subcommittee); Business and Labor Relations; Local Legislation No. 3.

20th District

EARL HILLIARD—Chairperson, Local Legislation No. 2; Finance and Taxation (Educational Fund subcommittee); Commerce, Transportation, and Utilities.

12th District

DONALD HOLMES—Chairperson, Small Business; Economic Affairs (Consumer Affairs subcommittee); Governmental Affairs (Military Affairs subcommittee); Agriculture, Conservation, and Forestry (Forestry, Fish, and Game subcommittee); Business and Labor Relations.

18th District

FRED HORN—Chairperson, Finance and Taxation; Local Legislation No. 2.

26th District

CHARLES LANGFORD—Economic Affairs; Judiciary; Governmental Affairs; Business and Labor Relations; Small Business.

22nd District

RICK MANLEY—Chairperson, Governmental Affairs; Rules; Finance and Taxation (General Fund subcommittee); State Development and Tourism; Local Legislation No. 1.

35th District

BILL MENTON—Vice Chairperson, Local Legislation No. 3; Judiciary; Natural Resources (Chairperson, Oil and Gas subcommittee); Agriculture, Conservation, and Forestry (Chairperson, Coastal Waters Conservation subcommittee); Education.

9th District

HINTON MITCHEM—Vice Chairperson, Agriculture, Conservation, and Forestry (Forestry, Fish, and Game subcommittee); Economic Affairs; Governmental Affairs; Public Welfare; Business and Labor Relations.

17th District

MAC PARSONS—Economic Affairs; Governmental Affairs; Education; Local Legislation No. 2.

11th District

JIM PREUITT—Chairperson, Judiciary; Vice Chairperson, Health; Rules; Finance and Taxation (General Fund subcommittee); Natural Resources (Chairperson, Waterways subcommittee); Education; Business and Labor Relations.

27th District

JOHN RICE—Chairperson, Public Welfare (Committee on Aging subcommittee); Vice Chairperson, Business and Labor Relations; Finance and Taxation (Educational Fund subcommittee); Education.

23rd District

HANK SANDERS—Finance and Taxation (Educational Fund subcommittee); Economic Affairs (Consumer Affairs subcommittee); Governmental Affairs; Local Legislation No. 1.

7th District

BILL SMITH—Vice Chairperson, Economic Affairs (Chairperson, International and Domestic Trade subcommittee); Rules; Health; Finance and Taxation (General Fund subcommittee); Education.

2nd District

JIM SMITH—Chairperson, Health; Vice Chairperson, Rules; Banking and Insurance; Finance and Taxation (Educational Fund subcommittee); Judiciary.

**HOUSE OF REPRESENTATIVES
ALPHABETICAL ROSTER AND
DISTRICT NUMBER**

Charles Adams, 83	Jimmy W. Holley, 91
John P. Beasley, 85	Alvin Holmes, 78
Greg Beers, 48	Perry O. Hooper, Jr., 73
Jack Biddle, III, 43	Ronald G. Johnson, 33
Lucius Black, Sr., 67	Roy W. Johnson, Jr., 63
A. J. Blake, 42	Bobby M. Junkins, 30
Harrell Blakeney, 66	Yvonne Kennedy, 103
W. C. (Bill) Bowling, 12	Al Knight, 40
Michael E. Box, 96	Ken Kvalheim, 101
Michael M. Breedlove, 65	Richard Laird, 37
Charlie Britnell, 18	Allen Layson, 15
Morris J. (Mo) Brooks, Jr., 10	Richard J. Lindsey, 39
Jenkins Bryant, Jr., 68	Steve J. Logan, 17
June Bugg, 29	E. B. McClain, 57
Ralph Burke, 24	Bobbie G. McDowell, 56
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John Buskey, 77	Stephen A. McMillan, 95
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Tommy Carter, 5	Bryant Melton, 61
James S. Clark, 84	Mike Mikell, 76
William Clark, 98	Gordon R. Moon, 25
Tom Coburn, 2	Max Newman, 16
W. F. (Noopie) Cosby, Jr., 70	Demetrius C. Newton, 53
Bobby C. Crow, 35	Paul Parker, 9
Johnny L. Curry, 50	Arthur Payne, 44
Patricia Davis, 58	Walter E. Penry, Jr., 94
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Steve Flowers, 89	Thomas Reed, 82
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Bill Fuller, 38	William M. Slaughter, 46
Victor Gaston, 100	Lewis G. Spratt, 59
J. W. (Joe) Goodwin, 3	Nelson R. Starkey, Jr., 1
Billy Gray, 45	James L. Thomas, 69
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Albert Hall, 22	Jack B. Venable, 31
James Harold Hamilton, 4	Claud Walker, 75
Seth Hammett, 92	James E. (Jimmy) Warren, 64
Taylor F. Harper, 105	Frank P. (Skippy) White, 93
Bob Harvey, 27	Gary White, 55
Clarence E. Haynes, 32	Lester White, 81
Lewis W. Headley, 72	R. Nolan Williams, 88
Steve Hettinger, 20	Gerald Willis, 34
G. J. Higginbotham, 80	Jim Wright, 51
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Thomas E. Hogan, 13	

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

1988

REGULAR SESSION

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL

Speaker Pro-Tem, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 North Pine St., Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	James Harold Hamilton	301 North Pine Street, Florence 35630
5	LIMESTONE	Tommy Carter	Route 2, Box 82, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35816
7	LAWRENCE, MORGAN	Ernest Dillard	Route 1, Box 216, Courtland 35618
8	MORGAN	Herman H. Marks	1704 Sandra Street, SW, Decatur 35601
9	MORGAN	Paul Parker	303 North Douglas Street, Hartselle 35640
10	MADISON	Morris J. (Mo) Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P.O. Box 1165, Cullman 35055

- 12 CULLMAN
W. C. (Bill) Bowling Route 2, Box 349, Hanceville 35077
- 13 WALKER
Thomas E. Hogan 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER
Ed Frazier N. 88, Hwy. 195, Jasper 35501
- 15 PICKENS, TUSCALOOSA
Allen Layson P.O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Max Newman P.O. Box 428, Millport 35576
- 17 MARION, WINSTON
Steve J. Logan P.O. Box 576, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George W. Grayson P.O. Box 38, Norman 35762
- 20 MADISON
Steve Hettinger 2207 Toll Gate, Huntsville 35801
- 21 MADISON
Dewayne Freeman 114 East Becky Circle, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall P.O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P.O. Box 1017, Scottsboro 35768
- 24 DeKALB
Ralph Burke P.O. Box 876, Fort Payne 35967
- 25 MARSHALL
Gordon R. Moon P.O. Box 265, Guntersville 35976
- 26 DeKALB, MARSHALL
T. Euclid Rains, Sr. Route 1, Box 326, Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 2215, Oneonta 35121
- 28 ETOWAH
Joe M. Ford Gadsden State Community College
1001 George Wallace Dr., Gadsden 35999
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Bobby M. Junkins 254 College St., Gadsden 35999
- 31 COOSA, ELMORE
Jack B. Venable P.O. Box 736, Tallassee 36078
- 32 TALLADEGA
Clarence E. Haynes P.O. Box 1041, Talladega 35160

- 33 TALLADEGA
Ronald G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis Route 2, Box 286, Piedmont 36272
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
James M. Campbell P.O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 1507 Bonner, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DeKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight 2421 Brook Run, Birmingham 35244
- 41 SHELBY
Michael E. Hill 301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR
A. J. Blake Route 1, Box 2109, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Drive, Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON
Billy Gray 9229 Todd Dr., Suite 105, Birmingham 35206
- 46 JEFFERSON
William M. Slaughter 800 1st Nat'l. Southern Natural Bldg.
Birmingham 35203
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Ave. S., Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35226
- 49 JEFFERSON
Tony Petelos 1440 42nd Street W., Birmingham 35208
- 50 JEFFERSON
Johnny L. Curry 3264 Fieldale Drive, Hueytown 35023
- 51 JEFFERSON
Jim Wright P.O. Box 279, Adamsville 35005
- 52 JEFFERSON
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- 53 JEFFERSON
Demetrius C. Newton P.O. Box 2525, Birmingham 35202

- 54 JEFFERSON
George Perdue P.O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 414 Yorkshire Dr., Homewood 35209
- 56 JEFFERSON
Bobbie G. McDowell 2322 Dartmouth Ave., Bessemer 35020
- 57 JEFFERSON
E. B. McClain 3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON
Patricia Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St., W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P.O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton 4129 20th St., Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P.O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th Street, NE, Tuscaloosa 35404
- 64 CONECUH, MONROE
J. E. (Jimmy) Warren P.O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael M. Breedlove 119 Dogwood Dr., Jackson 36545
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5 So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black, Sr. P.O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James L. Thomas 2713 Hwy. 14E, Selma 36701
- 70 DALLAS
W. F. (Noopie) Cosby, Jr. P.O. Box 683, Selma 36702
- 71 AUTAUGA, CHILTON
E. A. Grouby, Jr. P.O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Lewis W. Headley P.O. Box 1610, Clanton 35045
- 73 MONTGOMERY
Perry O. Hooper, Jr. 503 S. Court St., Suite 320
Montgomery 36111
- 74 MONTGOMERY
Bob McKee P.O. Box 424, Montgomery 36101

- 75 MONTGOMERY
Claud Walker P.O. Box M, Montgomery 36105
- 76 ELMORE, MONTGOMERY
Mike Mikell 3920 Chapman Rd., Millbrook 36054
- 77 MONTGOMERY
John Buskey P.O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes P.O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham Box 1592, Auburn 36830
- 80 LEE
G. J. Higginbotham P.O. Box 2545, Opelika 36803
- 81 TALLAPOOSA
Lester White 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON
Thomas Reed P.O. Drawer EE, Tuskegee Institute 36088
- 83 RUSSELL
Charles Adams P.O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. Clark P.O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
John P. Beasley P.O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe R. Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis Route 1, Newton 36352
- 88 DALE
R. Nolan Williams Troy State University at Dothan
P.O. Box 6947, Dothan 36302
- 89 PIKE, DALE
Steve Flowers P.O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Dwight Faulk Route 2, Box 90, Honoraville 36042
- 91 COFFEE
Jimmy W. Holley Route 2, Box 254E, Elba 36323
- 92 COVINGTON
Seth Hammett P.O. Box 1607, Andalusia 36420
- 93 ESCAMBIA
Frank P. (Skippy) White Rt. 1, Box 427—Pollard
Flomaton 36441
- 94 BALDWIN
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526

- 95 BALDWIN
Stephen A. McMillan P.O. Box 337, Bay Minette 36507
- 96 MOBILE
Michael E. Box 155 South Warren St., Mobile 36602
- 97 MOBILE
Mary S. Zoghby 2862 Hilburn Dr., Mobile 36606
- 98 MOBILE
William Clark 711 Atmore Ave., Prichard 36612
- 99 MOBILE
James Buskey 2207 Barretts Lane, Mobile 36617
- 100 MOBILE
Victor Gaston 864 Parkwood Dr., West, Mobile 36608
- 101 MOBILE
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 MOBILE
J. E. Turner P.O. Box 777, Citronelle 36522
- 103 MOBILE
Yvonne Kennedy 1205 Glennon Ave., Mobile 36603
- 104 MOBILE
Beth Marietta 557 Church St., Mobile 36602
- 105 MOBILE
Taylor F. Harper P.O. Box 229, Grand Bay 36541

**STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1988**

AGRICULTURE, FORESTRY & NATURAL RESOURCES

Richardson, Chairperson; Faulk, Vice Chairperson; Blakeney, Breedlove, Bryant, Hamilton, Lindsey, Logan, Mathis, Moon, Penry, Rains, Warren, White (F), Willis.

BANKING

Zoghby, Chairperson; Harvey, Vice Chairperson; Beasley, Breedlove, Cosby, Escott, Ford, Hammett, Headley, Hettinger, Hill, Logan, Marietta, Mikell, Petelos.

BUSINESS & LABOR

Laird, Chairperson; Willis, Vice Chairperson; Fuller, Goodwin, Hogan, Hooper, Layson, McMillan, Melton, Mikell, Payne, Reed, Richardson, Venable, Walker.

COMMERCE & INDUSTRIAL DEVELOPMENT

Adams, Chairperson; Hooper, Vice Chairperson; Box, Brooks, Butler, Carter, Cosby, Curry, Frazier, Holley, Kennedy, Perdue, Poole, Starkey, Warren.

CONSTITUTION & ELECTIONS

Venable, Chairperson; Beers, Vice Chairperson; Bowling, Box, Curry, Dillard, Faulk, Headley, Holley, Holmes, Marks, Mathis, Newton, Parker, Perdue.

EDUCATION

McMillan, Chairperson; Gray, Vice Chairperson; Bugg, Clark (W), Dillard, Grayson, Grouby, Hill, Johnson (RW), Jr., Knight, Penry, Poole, Slaughter, Turnham, Zoghby.

HEALTH

Carothers, Chairperson; Johnson (RG), Vice Chairperson; Beasley, Bidle, Butler, Drake, Faulk, Flowers, Freeman, Hall, Kvalheim, McClain, McDowell, Seibels, White (L).

HIGHWAY SAFETY

Britnell, Chairperson; Melton, Vice Chairperson; Bowling, Burke, Buskey (James), Buskey (John), Carothers, Coburn, Crow, Haynes, Hill, McDowell, Newton, Parker, Spratt.

INSURANCE

White (L), Chairperson; Flowers, Vice Chairperson; Buskey (James), Frazier, Grouby, Hall, Haynes, Laird, Layson, Lindsey, McKee, Seibels, Spratt, Williams, Willis.

JUDICIARY

Higginbotham, Chairperson; Box, Vice Chairperson; Beasley, Blakeney, Campbell, Drake, Hettinger, Johnson (RG), Kvalheim, Laird, Marietta, Marks, Petelos, Slaughter, Thomas.

LOCAL GOVERNMENT

Hettinger, Chairperson; Warren, Vice Chairperson; Davis, Hamilton, Higginbotham, Holley, Junkins, Knight, Parker, Reed, Richardson, Seibels, Thomas, Turner, Wright.

LOCAL LEGISLATION NO. 1

Rains, Chairperson; Moon, Vice Chairperson; Black, Bryant, Carter, Flowers, Fuller, Hamilton, Junkins, Laird, Melton, Starkey, White (F), White (L), Willis.

LOCAL LEGISLATION NO. 2

White (G), Chairperson; McDowell, Vice Chairperson; Beers, Biddle, Curry, Davis, Escott, Gray, McClain, Newton, Payne, Perdue, Petelos, Rogers, Seibels, Slaughter, Spratt, Wright.

LOCAL LEGISLATION NO. 3

Marietta, Chairperson; Clark (W), Vice Chairperson; Box, Buskey (JE), Gaston, Harper, Kennedy, Kvalheim, Turner, Zoghby.

LOCAL LEGISLATION NO. 4
(Madison)

Hall, Chairperson; Freeman, Vice Chairperson; Brooks, Butler, Grayson, Hettinger.

LOCAL LEGISLATION NO. 4
(Montgomery)

McKee, Chairperson, Walker, Vice Chairperson; Buskey (JL), Holmes, Hooper, Mikell.

MILITARY AFFAIRS

Ford, Chairperson; Starkey, Vice Chairperson; Biddle, Blake, Britnell, Bryant, Crow, Grayson, Johnson (RG), Mathis, McDowell, Moon, Newton, Petelos, Slaughter.

OIL & GAS

Marietta, Chairperson; Johnson (RW) Jr., Vice Chairperson; Adams, Breedlove, Butler, Clark (W), Coburn, Hogan, Kvalheim, Logan, Newman, Penry, Rogers, Turner, White (F).

PUBLIC UTILITIES & TRANSPORTATION

Davis, Chairperson; White (G), Vice Chairperson; Buskey (JE), Cosby, Crow, Ford, Gaston, Gray, Hammett, Johnson (RW) Jr., Lindsey, Newman, Rogers, Walker, Zoghby.

PUBLIC WELFARE

Reed, Chairperson; Thomas, Vice Chairperson; Black, Blake, Bowling, Brooks, Bugg, Buskey (JL), Curry, Goodwin, Harvey, Knight, Rains, Turner, Williams.

RULES

Carter, Chairperson; Ford, Vice Chairperson; Beers, Campbell, Carothers, Hall, Hammett, Harvey, Headley, Payne, Reed, Starkey, Venable, Warren, White (F).

SMALL BUSINESS

Walker, Chairperson; Escott, Vice Chairperson; Black, Blakeney, Brooks, Burke, Buskey (JL), Frazier, Goodwin, Gray, Hogan, Holmes, McMillan, Mikell, Poole.

STATE ADMINISTRATION

Gaston, Chairperson; Butler, Vice Chairperson; Biddle, Blake, Britnell, Bugg, Clark (W), Dillard, Faulk, Grouby, Haynes, Hooper, Moon, Newman, Penry.

TOURISM, ENTERTAINMENT & SPORTS

Williams, Chairperson; Hammett, Vice Chairperson; Beers, Dillard, Gray, Hamilton, Harper, Higginbotham, Holley, Holmes, Johnson (RG), Junkins, Marietta, Mathis, Reed.

WAYS & MEANS

Harper, Chairperson; Turnham, Vice Chairperson; Adams, Burke, Coburn, Freeman, Fuller, Junkins, Kennedy, Layson, McClain, McKee, White (G), Williams, Wright.

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SB 441, pages 348, 675

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SB 63, pages 20, 207, 315, 333

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Real estate commission, real estate and time-sharing brokers, salesmen and transactions, regulated—

SB 492, page 534

Solid waste disposal fees, bond requirements for out-of-state household garbage—

SB 616, pages 784, 1572, 1976, 1976, 2261, 2267, 2271, Act no. 88-655

State parks and park facilities development authority, established, to issue bonds—

SB 422, pages 295, 610

Youth care authority, established as public corporation, officers, powers, issue bonds, legislative oversight committee established, expense allowance—

SB 352, pages 200, 1515, 1769, 1770, 1781, 1782, 1886, 1887, 1923

BRIERFIELD IRONWORKS**Appropriation—**

HB 263, pages 822, 1593, 2169, 2171, 2173, 2175, 2178

HB 997, pages 1608, 1809, 2169, 2171, 2173, 2175, 2178

BUDGETS**Education, appropriation for support, maintenance and development of public education—**

SB 230, page 54

SB 630, page 1410

HB 135, pages 1978, 1999, 2167, 2167, 2170, 2172, 2174, 2176, 2182, 2232, 2239, 2242, 2252, 2257, 2258, 2259, 2260, 2261, 2263

General fund, appropriation for ordinary expenses of executive, legislative and judicial departments—

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HB 134, pages 661, 1499, 2167, 2167, 2170, 2172, 2174, 2176

Reserve of two percent of last year's appropriation required in general fund and education budget, CA—

SB 32, pages 14, 611

Special reserve account established, to be used in event of proration of special educational trust fund budget—

SB 124, pages 33, 611

HB 140, pages 1784, 1815

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SB 576, pages 724, 753

HB 829, pages 819, 898, 987, 989, 991, 1338, 1380, 1454, Act no. 88-231

BUSES**Drivers of trucks, vans, school buses or taxi cabs, blood alcohol content necessary to be convicted of driving under the influence, altered—**

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HB 495, pages 1474, 1577

School, overcrowded operation of, prohibited—

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SB 197, pages 48, 129, 217, 221, 223, 422, 440, 496, Act no. 88-80

Banking, bank trust departments, authorized to list trust funds as pledge of assets for security—

SB 66, pages 20, 204, 413, 622, 642, 812, 859, 860, 1327, 1329, 1334, Act no. 88-260

Banks, regional reciprocal banking act, state of Texas included in term "region"—

SB 623, pages 880, 929

HB 943, pages 1804, 1999

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Barbers and barbering, state board to regulate occupation—
SB 416, page 294

Construction equipment franchise act, manufacturers, distributors,
wholesalers of construction equipment, regulated—
SB 468, pages 434, 615, 623, 761

Consumer loans, default on, additional charges altered—
SB 119, pages 32, 124, 217, 219, 221, 230, 532, 578, 584, Act no.
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Convention facilities act, fund established, payment to eligible tourism
facilities to enhance tourism—
SB 350, pages 199, 1503

Credit card act, created—
SB 115, pages 31, 124, 270, 271, 276, 280, 285, 285, 286, 532, 533,
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Debts, contracts on, levy and execution, garnishment procedures, inclu-
sions and exclusions in computations—
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Electrical contractors board, master and journeymen electricians, regu-
lated—
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Environmental management department, authorized to establish license
program for persons whose services could adversely affect water
quality well monitoring—
SB 59, page 19

Fish ponds licensure and regulation, letter-permitting of "commercial
fee fishing ponds" allowed—
SB 276, pages 110, 210, 312, 457, 467, 2066, 2116, 2271, Act no.
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Hazardous waste disposal fees prescribed, disposition—
HB 333, pages 1478, 1580, 2167, 2170, 2172, 2174, 2176

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December 31, 1988, unless approved by legislature—
SB 106, pages 29, 305, 373, 378, 429, 430, 440, 884, 954, 1172, Act
no. 88-266

Insurance department, restructured, elected commissioner, making and
hearing process, regulated—
SB 457, page 387

Insurance, property and casualty agents, further regulated—
SB 351, pages 199, 408
HB 94, pages 395, 456, 507, 639, 726, 727, 739, Act no. 88-123

Liquefied petroleum gas, sales tax exemption of, when used in fertilizer—
SB 275, pages 110, 902

Molds, procedure for disposal established—
SB 534, pages 644, 758

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SB 596, page 764

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SB 393, pages 252, 304, 360, 500, 681, 682

Forest products, maintenance of records, fine increased—
SB 61, pages 19, 128, 218, 219, 221, 232, 233

Hazardous waste storage, regulated, environmental management department authorized to enforce criminal penalties—
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Trademark and tradename act, created—
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SB 15, pages 11, 165, 734, 910, 943, 944, 1427, 1518, 1570, Act no. 88-298

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SB 219, pages 53, 1514
HB 249, pages 1789, 1812, 2007, 2014, 2015, 2048, Act no. 88-491

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CAREER INCENTIVE PROGRAM ACT

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SB 54, pages 18, 130, 218, 220, 222, 235, 443, 465, 496, Act no. 88-71

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Regulation, liability and exemptions, pollution and vandalism—
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Adoption laws, revised—
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Alcoholic beverages, licensing code, unlawful sales to minors and certain persons, regulated—
SB 504, pages 589, 674

Boats, children must wear life preservers, penalties—
HB 483, page 1958

Child day care providers, exempt from registration with human resources department, must verify fire and health code compliance—
SB 470, pages 435, 612

Child sexual abuse victim protection act of 1988, created—
HB 153, pages 794, 1502, 2167, 2169, 2170, 2172, 2174, 2176

Children's trust fund, state income tax refund designation, increased—
SB 274, pages 110, 206, 314, 319, 320, 372, 1948, 1988, 2112, Act no. 88-544

Detention or shelter care of, operated by youth services, statewide system authorized, funding—
SB 385, page 250

Human resources department, authorized to investigate parents' ability to pay child support, authorized to require information from employers—
SB 543, pages 646, 905

Human resources department, responsible for child support collections—
SB 318, pages 148, 1498

Human resources department, state parent locator, additional authority to locate parents and children, state agencies and employers required to provide information—
SB 544, pages 646, 905

Open trucks, transporting children in back, prohibited, penalties—
SB 191, page 46

Public safety department, employers required to request from, records of felonious convictions of job applicants—
SB 176, page 43

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CHILDREN'S HOSPITAL-UAB**Appropriation—**

SB 251, pages 105, 1515

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CHILDREN'S TRUST FUND**State income tax refund designation, increased—**

SB 274, pages 110, 206, 314, 319, 320, 372, 1948, 1988, 2112, Act no. 88-544

CHIROPRACTORS**Included in medical liability act—**

SB 308, page 146

Services of, may be excluded or limited by health insurance—

SB 415, page 294

CIRCUIT CLERKS AND REGISTERS**Deputy circuit clerks, authority for election in counties with more than five circuit judges, removed, provisions regarding compensation, removed—**

SB 357, pages 201, 668, 702, 910, 940

CIVIL ACTIONS**Tort reform, statute of limitations on civil actions against materialmen—**

SB 144, pages 37, 208

HB 391, pages 1472, 1577

CIVIL AIR PATROL-ALABAMA WING**Appropriation—**

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HB 232, pages 1602, 1813, 2007, 2018, 2048, Act no. 88-508

CIVIL LIABILITY**Alcoholic beverages, selling or furnishing unlawfully—**

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Doctors, exempt from civil liability for statements regarding patients in alcohol treatment programs if also in DUI school—

SB 401, pages 292, 751

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SB 472, pages 435, 904, 953, 1190

Fire marshal's assistants, exempt from civil liability for acts or omissions in performing duties—

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Law enforcement officers, immune from civil liability in domestic violence arrests—

SB 312, pages 147, 402, 779, 1055, 1562, 1566, 1679, 1680

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Alcoholic beverage transactions, regulated, under alcoholic beverage control board—
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Alcoholic beverages, suppliers' and wholesalers' relations, arbitration and prohibited acts—
SB 197, pages 48, 129, 217, 221, 223, 422, 440, 496, Act no. 88-80

Caves, regulation, liability and exemptions, pollution and vandalism, penalties—
SB 330, pages 196, 409, 622, 642, 812, 862, 871, 878, 2252, 2254, 2271, Act no. 88-582
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Debts, contracts on, levy and execution, garnishment procedures, inclusions and exclusions in computations—
HB 34, pages 351, 671, 768, 931, 951, 1082, Act no. 88-294

Executors and administrators, final settlements, written evidence of an account may consist of affidavit or other legal evidence—
SB 112, pages 30, 207, 314, 325, 326, 371

Hazardous material, handling teams, operated by state, county or municipality, civil immunity, granted—
HB 13, pages 443, 758

Hazardous substance cleanup fund, established, regulated by department of environmental management—
SB 28, pages 13, 1500

Legal services liability act, established, limitation on actions against attorneys—
SB 256, pages 106, 259, 412, 430, 431, 1326, 1329, 1334, Act no. 88-262

Manufactured housing commission recovery fund, created—
SB 245, pages 104, 260, 738, 740, 742, 743, 744, 746, 747, 747, 748, 748, 761, 774, 853, 1463

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SB 308, page 146

Medical licenses, revocation of, not suspended pending review under administrative procedure act—
SB 132, pages 34, 125, 218, 220, 222, 239, 530, 579, 584, Act no. 88-86

Mental health board, superintendent and physicians, depositions permitted in civil and criminal cases—
SB 175, pages 43, 401

Mental health inmates, violent acts and liability, provided—
SB 485, page 499

Municipal courts, bail and appeal procedures, altered—
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- Municipal employees, municipalities to indemnify and provide insurance for accidents arising from employment—
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- Pension and retirement fund, disability and death benefits exempted from attachment, execution, seizure or bankruptcy—
SB 469, page 434
- Public service commission, intervention in federal proceedings regulated—
SB 40, pages 16, 131, 229, 360, 370
- Public service commission, members granted immunity—
SB 52, pages 18, 1516
- Radioactive waste, regulating and licensing, altered, civil penalties, increased—
HB 639, pages 1471, 1573, 2002, 2003, 2006, 2048, Act no. 88-535
- Real estate, mortgages on, regulated, foreclosures and notice—
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- Real property, redemption of, who has right of redemption and order regulated, charges, allowable and time period, regulated—
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- Witness depositions by employees of public safety department, fees imposed—
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- Worthless checks, service charge increased to \$15.00—
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- Pardons and paroles board, intensive supervision program to be established, administration—
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Coal mine safety, further regulated—

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SB 510, page 590

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Tax on, termination—

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Utilities, foreign coal and out-of-state coal purchases, public service
commission to determine effects on rates—

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Section 1-3-4, fiscal year of Alabama changed to July 1—

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Section 2-27-9, pesticides, registration, fee and penalties—

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Sections 2-28-4 and 2-28-7, entomologists, board of examiners for professional, horticulturists, plant pathologists, floriculturists and tree surgeons, sunset law review continued, exam fee set, revocation of certificate authorized—

SB 86, pages 25, 359, 453, 505, 522, 582, 730, 770, 773, Act no. 88-139

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Section 4-3-47, airport authorities, exercise of police jurisdiction, crimes on property in municipal court—

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Section 5-3A-9, banking department, employees authorized to borrow money from state banks—

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Section 5-5A-28, bank trust departments, authorized to list trust funds as pledge of assets for security—

SB 66, pages 20, 204, 413, 622, 642, 812, 859, 860, 1327, 1329, 1334, Act no. 88-260

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Section 5-5A-28, banks, to pledge acceptance assets as security for deposits for rural electric cooperatives—
SB 387, page 251

Section 5-13A-2, banks, regional reciprocal banking act, state of Texas included in term "region"—
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Section 5-19-4, consumer loans, default on, additional charges altered—
SB 119, pages 32, 124, 217, 219, 221, 230, 532, 578, 584, Act no. 88-87

Sections 5-19-15, 6-10-6 and 6-10-37, debts, contracts on, levy and execution, garnishment procedures, inclusions and exclusions in computations—
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Sections 6-5-70 and 6-5-71, alcoholic beverages, civil liability for selling or furnishing unlawfully—
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Section 6-5-332.1, hazardous material, handling teams, operated by state, county or municipality, civil immunity, granted—
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Section 6-5-481, medical liability act, chiropractor included—
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Section 6-6-43, writ of attachment, issued by judicial officers—
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Section 8-1-41, uniform arbitration act, established—
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Section 8-6-3, securities dealers and salesmen, license fees increased—
HB 187, pages 1477, 1591, 2168, 2170, 2172, 2175, 2177

Sections 8-6-50, 8-6-52 and 8-6-56, securities commission, sunset law review continued, members terms limited, compensation of director altered—
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Section 8-6-56, securities commission director, compensation increased—
SB 117, pages 32, 131

Section 8-8-15, worthless checks, charges altered—
HB 644, pages 1490, 1591

Sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16 and 8-12-17, trademark and tradename act, created—
SB 252, pages 106, 304, 373, 374, 375, 385

Sections 8-15-76 and 8-15-10, public warehouses, insurance and bonding requirements—
SB 98, pages 28, 204, 412, 418

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Sections 8-17-91, 9-6A-8, 23-1-20, 23-1-21, 23-1-22, 23-1-32, 23-1-35, 23-1-37, 23-1-40, 23-1-41, 23-1-42, 23-1-54, 23-1-55, 23-1-58, 23-1-61, 23-1-150, 23-1-151, 23-1-152, 23-1-154, 23-1-156, 23-1-157, 23-1-158, 23-1-170, 23-1-171, 23-1-172, 23-1-174, 23-1-176, 23-1-177, 23-1-178, 23-1-300, 23-1-302, 23-1-303, 23-1-305, 23-1-310, 23-1-313, 23-1-317, 23-2-143, 23-2-144, 23-2-161, 23-6-2, 23-6-3, 23-6-4, 23-6-6, 23-6-8, 23-6-9, 29-2-4, 32-5A-171, 32-5A-172, 32-5A-173, 32-5A-174, 32-9-1, 33-16-9, 33-16-10, 33-17-9, 33-17-10, 40-12-270, 40-17-78, 40-17-224 and 41-4-16, highway commission, established, to control highway department—

SB 484, pages 499, 639, 1057, 1077, 1079, 1080, 1085, 1085, 1086, 1128, 1173, 1176, 1177, 1178, 1179, 1180, 1190, 1192, 1194, 1195, 1240, 1282, 1323, 1325, 1327, 1332, 1334, 1334, 1336, 1336, 1337, 1339, 1409, 1456, 1458

Sections 8-17-210, 8-17-211, 8-17-213, 8-17-221 and 8-17-222, fireworks, manufacture and sale of, regulated—

SB 421, pages 295, 615, 622, 761, 842, 843, 878

Section 9-2-14, conservation and natural resources advisory board, members appointment, regulated—

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Sections 9-11-32 and 9-11-33, game and fish, licensing year, altered—

SB 157, pages 40, 210

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Sections 9-11-44 and 9-11-53, hunting and fishing fees, increased, exemption for county residents deleted—

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Section 9-11-45, deer and turkey hunting licenses, nonresident provided, fees increased—

SB 158, pages 41, 211, 517, 640, 728

Section 9-11-47, hunting licenses, all game, nonresident, fees increased—

SB 325, pages 150, 211, 1724, 1725, 1725

Section 9-11-65, hunting and fishing license fees, lifetime, increased—

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Section 9-11-257, hunting, shooting across highways, prohibited, penalties—

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Sections 9-12-82, 9-12-93, 9-12-113, and 9-12-119, marine resources and recreational licenses and fees, increased, disposition of funds to marine resources fund—

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Section 9-13-11, motor vehicle and equipment, used in forest or grass fires, condemned to be sold or used by state forester—

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Section 9-13-63, forest products, maintenance of records, fine increased—

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Sections 9-17-1 and 9-17-33, oil and gas, interest rate paid on undistributed oil and gas revenues—
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SB 10, pages 10, 209, 316, 344, 345, 2067, 2114, 2270, Act no. 88-576

Section 9-17-13, oil and gas, costs of pooling land, altered—
SB 526, page 626

Sections 9-17-100, 9-17-101, 9-17-102, 9-17-140, 9-17-105, 9-17-106, 9-17-107, 9-17-108 and 9-17-109, liquefied petroleum gas board, regulated—
SB 306, pages 146, 209, 413, 621, 642, 812, 855

Sections 9-17-101, 9-17-103 and 9-17-105, liquefied petroleum gas board, sunset law review continued, board members terms limited, insurance regulations altered—
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Sections 10-2A-70.1 and 10-2A-70.2, political contributions, by railroad corporations—
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Section 11-43A-27, municipalities, council-manager form of government, examination of books by accountants—
SB 409, page 293
HB 185, pages 604, 1502, 1847, 2079, 2080, 2237, Act no. 88-568

Section 11-50-1.1, municipalities and public corporations created pursuant to title 11, chapter 50, prohibited from duplicating services of waterworks—
SB 145, pages 38, 265, 412, 413

Section 11-50-342, water and sewer authority, membership increased—
HB 215, pages 398, 1592

Sections 11-51-90 and 11-51-93, municipalities, business license tax, issuing fee and penalties increased—
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Sections 11-51-201, 11-51-203, 40-12-4, 40-23-2.1, 40-23-61, 40-23-101, 40-23-102, 40-23-104 and 40-29-115, motor vehicles and trailers, dealers relieved of responsibility of collection of taxes on, for counties and municipalities—
SB 361, pages 202, 263

Section 11-52-3, mayor allowed to appoint a person on planning commission in his place—
SB 105, pages 29, 165, 218, 220, 222, 237, 797, 913, 1028, Act no. 88-215

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Section 11-52-32, class 1 municipalities, planning commission members to serve on committee to approve or disapprove plats—
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Section 11-81-21, municipal and county funds, investment regulated—
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Section 11-88-6, water, sewer and fire protection authorities, members' salary, increased—
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Sections 11-98-2, 11-98-4 and 11-98-5, emergency telephone service, communication districts established by ordinance or resolution of governing body of any county or municipality—
SB 556, pages 720, 900
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Sections 12-3-9 and 13A-5-53, capital offenses, direct appeal to supreme court, provided—
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Sections 12-11-2, fortieth judicial circuit, established, district attorney and circuit judgeships established—
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Section 12-11-30, jurisdiction and criminal contempt, power of circuit courts—
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Section 12-12-31, small claims court, jurisdictional amount, increased—
SB 363, pages 245, 304

Section 12-12-52, district court magistrates, receive pleas of guilty for minor traffic infractions—
SB 237, pages 102, 667

Section 12-13-41, deeds, mortgages and instruments, one source of registration for, probate courts authorized to maintain—
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Sections 12-14-5 and 12-14-70, municipal courts, bail and appeal procedures altered—
SB 35, pages 15, 127, 315, 338
HB 151, pages 203, 403, 2112, 2112, 2166

Section 12-14-14, municipal court costs, increased, distribution to salaries of law enforcement officers—
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Section 12-14-15, mayors, commutation of sentence and remittitur of fines and court costs prohibited in cases of driving under the influence of alcohol and controlled substances—
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Sections 12-15-1, 12-15-33 and 12-15-34, juvenile offenders, once certified to stand trial as adult, all subsequent criminal proceedings will be as adult offender—

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Section 12-15-61, children, detention or shelter care of, operated by youth services, statewide system authorized, funding—

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Section 12-15-69, juvenile proceedings, volunteer court-appointed special advocates—

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Sections 12-16-8, 12-16-8.1 and 12-19-210, jury service, excusing jurors, compensation, mileage allowance—

SB 239, pages 103, 667, 941, 1190, 1699, 1700

Sections 12-17-224, 13A-9-13.1 and 13A-9-13.2, worthless checks, service charge increased to \$15.00—

SB 419, pages 294, 669, 714, 910, 941, 942

Section 12-17-290, court reporters, retirement status election final regardless of break in service, method of retirement, regulated—

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Sections 12-18-55, 12-18-58 and 12-18-60, district court judges, retirement and spousal benefits, retroactive to January 1, 1981—

SB 561, page 721

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Section 12-18-60, district judge, eligible for retirement and spousal benefits provided, to expand acceptable service—

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SB 161, pages 41, 1497, 1713, 1714, 2263, 2266, 2271, Act no. 88-659

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Signs, removal of, which are lawfully erected along right-of-way—
SB 207, pages 51, 259, 412, 424, 795, 914, 1028, Act no. 88-228

State employees, annual leave compensation in excess of maximum number of days allowed—
SB 193, page 46

State employees, beneficiary entitled to payment of one-half unused sick leave upon death of employee—
SB 30, page 14

State employees, cost-of-living salary increase for fiscal year October 1, 1988—
SB 4, pages 9, 664, 788, 1056, 1563, 1680, 1683, 1703
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U. S. S. Alabama battleship commission, members reimbursed for actual expenses incurred—
SB 463, page 389
HB 474, pages 594, 1811

COMPETITIVE BID LAW

Classroom instructional supplies may be purchased in bulk or local boards of education may make allocation to individual schools or teachers by voucher system—

SB 627, pages 1410, 1494, 1769, 1769

Contracts, amount increased to \$3,000 for conformity—

SB 121, pages 32, 166, 218, 220, 222, 236, 1947, 1988, 2112, Act no. 88-540

Contracts of minorities exempt from—

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County and municipal contracts to resident bidders, provided—

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Minimum amount raised to \$5,000—

SB 407, pages 293, 756, 941, 1189, 1698, 1699, 1699

Residential preference to Alabama-made products—

SB 392, pages 252, 403

State agencies giving honorariums, exempt from—

SB 29, pages 14, 454, 1976, 1977, 1977

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Eminent domain, procedures changed—

SB 533, pages 644, 905

Motor vehicle and equipment, used in forest or grass fires, sold or used by state forester—

SB 171, pages 42, 758

CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF

Advisory board of, members appointment regulated—

SB 621, page 879

Commissioner of, authorized to set bag limits, season length and license fees for nonresidents of states which have entered reciprocal agreements abolished—

SB 323, page 149

Marine resources and recreational licenses and fees, increased, disposition of funds to marine resources fund—

SB 71, pages 21, 128, 218, 220, 222, 240, 2078, 2115, 2270, Act no. 88-577

State parks and park facilities development authority, established, to issue bonds—

SB 422, pages 295, 610

Wildlife print and stamp created, conservation and natural resources department to administer—

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SB 494, pages 587, 905

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SB 32, pages 14, 611

Commission on higher education, membership, power, funding, authority—

SB 497, page 588

Correctional institutions, criminal proceedings, including habeas corpus and coram nobis, may be held in—

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Counties, bonds, warrants and obligations, not considered a bond or indebtedness if proceeds used for public works—

SB 320, pages 149, 261, 373, 376

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District attorneys' inquiry commission, established—

SB 291, pages 114, 259, 412, 425, 426, 440

Forest fire protection, assessment—

SB 309, pages 147, 409, 464, 618, 695, 696, 704

Heritage trust fund and Alabama trust fund, investments authorized same as for employees' and teachers' retirement systems—

SB 412, pages 293, 400, 1726, 1728, 1762, 2260, 2268, 2271, Act no. 88-550

Heritage trust fund, funds to be invested in same manner as Alabama trust fund—

SB 482, pages 498, 757

HB 726, pages 1599, 1811

Home rule powers, county government, authorized, election set—

SB 397, pages 291, 610

Income tax, rate increased, proceeds, distribution of—

HB 989, pages 1599, 1811, 2168, 2170, 2173, 2175, 2177

Lobbying, chairman of state political party restricted from—

SB 460, pages 388, 853, 904

Municipal expenditures, new or increased, delayed until new fiscal year, referendum—

SB 69, pages 21, 165, 217, 219, 221, 227, 228, 1947, 1987, 2112, Act no. 88-312

Music hall of fame, bond authority established, issue bonds, powers—

SB 529, pages 643, 760, 812, 853, 854, 854, 2262, 2269, 2271, Act no. 88-549

Registrars, board of, appointed by governor, confirmed by senate—

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CONSTRUCTION EQUIPMENT FRANCHISE ACT

Promulgated to regulate manufacturers, distributors, wholesalers of construction equipment—
SB 468, pages 434, 615, 623, 761

CONTRACTORS

Electrical board, master and journeymen electricians, regulation of—
HB 203, pages 395, 456, 510, 640, 727, 739, Act no. 88-129

General, additional license fee, proceeds to institutions of higher learning offering building science—
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General, definition includes swimming pool contractors—
SB 393, pages 252, 304, 360, 500, 681, 682

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Alcoholic beverages, suppliers' and wholesalers' relations, arbitration and prohibited acts—
SB 197, pages 48, 129, 217, 221, 223, 422, 440, 496, Act no. 88-80

Competitive bidding on, amount increased to \$3,000 for conformity—
SB 121, pages 32, 166, 218, 220, 222, 236, 1947, 1988, 2112, Act no. 88-540

Competitive bids, residential preference to Alabama-made products—
SB 392, pages 252, 403

Contract review permanent legislative oversight committee, authority expanded—
SB 1, pages 9, 454
HB 2, pages 329, 1497

Debts, levy and execution of, garnishment procedures, inclusions and exclusions in computations—
HB 34, pages 351, 671, 768, 931, 951, 1082, Act no. 88-294

Insurance, life or disability policy, summary of an application may be attached to policy and summary and policy shall constitute entire—
SB 329, pages 196, 407, 457, 615, 686, 691, 1961, 1962, 1988, 2112, Act no. 88-545
HB 435, pages 606, 750

Molds, procedure for disposal established—
SB 534, pages 644, 758

Real estate sale, implied warranty waived if parties agree to one year express warranty—
SB 302, pages 145, 401

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Uniform arbitration act, established—
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Drug profits forfeiture act, searches, seizures and forfeiture of property provided for, lienholders excepted—

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SB 398, pages 291, 904

Drug traffickers, reward for information leading to arrest and conviction, payable from governor's contingency fund—

SB 661, page 1415

Investigators of, attorney general authorized to employ—

SB 267, pages 109, 672

Marijuana, possession of on school campuses, prohibited—

SB 53, pages 18, 207, 315, 328, 329, 371

Motor vehicles, accidents causing death or serious injury, blood tests for alcoholic beverages required—

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COOSA-ALABAMA RIVER IMPROVEMENT ASSOCIATION

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Inmates, discharge of by, altered—

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Judges presiding over criminal cases, authorized to sentence convicted persons to disciplinary and rehabilitation camps—

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Nonprofit organizations, may purchase goods and services from stores division, finance department and corrections industries—

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Prisoners, sentenced to fifteen years or less, may receive benefits of correctional incentive time—

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SB 87, pages 25, 359, 453, 505, 523, 728, 771, 773, Act no. 88-140

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- Bonds, warrants and obligations of, not considered a bond or an indebtedness if proceeds used for public works, CA—
SB 320, pages 149, 261, 373, 376
- Competitive bid laws, county and municipal contracts to resident bidders, provided—
SB 370, page 247
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- Constables, county elections to abolish, authorized—
SB 494, pages 587, 905
- County, city and town employees and legislators under state employees' health insurance plan—
SB 304, pages 146, 400, 1755, 1756, 1756
- County commissions, to levy taxes with or without a vote of people, home rule for counties—
SB 334, page 196
- Emergency telephone service, communication districts established by ordinance or resolution of governing body of any county or municipality—
SB 556, pages 720, 900
HB 696, pages 1473, 1579
- Employees' retirement system, reopened for employees who were members on June 1, 1986, with prior county employment—
SB 466, pages 390, 1497, 1725, 1726
- Fire protection personnel and firefighters, time extended for municipalities and counties to recover training expenses—
SB 146, pages 38, 166, 217, 219, 221, 231, 1544, 1610, 1793, Act no. 88-315
- Granted same power as cities for public improvements, assess those benefited—
SB 327, pages 150, 261, 458, 616, 688, 690, 704
- Hazardous material, handling teams, operated by state, county or municipality, civil immunity granted—
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- Historical preservation, commissions and architectural review boards for counties and municipalities, powers and exceptions—
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- Home rule powers, county government, authorized, election set, CA—
SB 397, pages 291, 610
- License or privilege tax on fire or marine insurance companies, proceeds for fire protection—
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- Municipal and county taxing authority, prohibited from levying and collecting income or occupational tax, CA—
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Probation officers, additional compensation, paid by county, certification requirements—
SB 614, page 783

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HB 587, pages 598, 1806

Solid waste collection, regulated by municipalities and counties, powers, duties, public participation—
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Probate judge, who chairs, minimum salary required—
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Human resources department, to charge fee for investigation services performed in divorce cases—
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- Airport authorities, exercise of police jurisdiction, crimes on property in municipal court—
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- Capital offenses, direct appeal to supreme court, provided—
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- Correctional institutions, criminal proceedings, including habeas corpus and coram nobis, may be held in, CA—
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- Criminal defendants, judged not guilty by reason of insanity, court proceeding required prior to release from facility—
SB 137, pages 36, 260, 315, 334, 371, 2239, 2253, 2271, Act no. 88-581
- Criminal procedure, rules of, amended to provide for alcohol and drug abuse examinations and reporting—
SB 303, pages 146, 402
- Deaf or blind, interpreters provided in court cases—
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- Deeds, mortgages and instruments, one source of registration for, probate courts authorized to maintain—
HB 37, pages 592, 1518
- Deputy circuit clerks, authority for election in counties with more than five circuit judges, removed, provisions regarding compensation, removed—
SB 357, pages 201, 668, 702, 910, 940
- District attorneys' spouses fund, created—
SB 292, pages 114, 303, 466, 618, 701, 743
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- District court magistrates, receive pleas of guilty for minor traffic infractions—
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- District judge, eligible for retirement and spousal benefits provided, to expand acceptable service—
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HB 210, pages 352, 609, 813, 874, 875, 939, Act no. 88-164
- Judicial inquiry commission, investigative and litigation costs, paid from court cost funds—
SB 100, pages 28, 401, 517, 640, 731
- Jurisdiction and criminal contempt, power of circuit courts—
SB 238, pages 102, 667
- Juvenile offenders, once certified to stand trial as adult, all subsequent criminal proceedings will be as adult offender—
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Mayors, commutation of sentence and remittitur of fines and court costs prohibited in cases of driving under the influence of alcohol and controlled substances—
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Municipal court costs, increased, distribution to salaries of law enforcement officers—
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Municipal courts, bail and appeal procedures altered—
SB 35, pages 15, 127, 315, 338
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SB 234, pages 101, 667

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Alcoholic beverage transactions, regulated, under alcoholic beverage control board—
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Alcoholic beverages, licensing code, unlawful sales to minors and certain persons, regulated—
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SB 619, pages 879, 1516

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SB 272, pages 109, 903
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Boating, operating under influence of alcoholic beverages prohibited,
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Boats, children must wear life preservers, penalties—
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Capital offenses, direct appeal to supreme court, provided—
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Caves, regulation, liability and exemptions, pollution and vandalism,
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Child sexual abuse victim protection act of 1988, created—
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Citizenship restored to certain criminals—
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Clean indoor air act, established, smoking in public places, penalties—
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Crime of falsely reporting an incident, penalty increased to felony—
SB 177, pages 44, 127, 217, 219, 221, 231

Criminal history searches, by public safety department, fees imposed—
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Criminal justice system council on crime and punishment, established,
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Criminally negligent homicide, class c felony—
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Death penalty, abolished—
SB 500, page 588

Domestic abuse, court jurisdiction hearings, venue altered, penalties
increased—
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 - SB 398, pages 291, 904
- Drug trafficking, additional penalties for using guns—
 - SB 163, page 41
 - HB 105, pages 591, 1518
- Drug trafficking, criminal enterprise “kingpin” established, penalties—
 - SB 162, page 41
- Forest products, maintenance of records, fine increased—
 - SB 61, pages 19, 128, 218, 219, 221, 232, 233
- Hazardous waste disposal sites, public officials must declare interest in—
 - SB 203, pages 50, 306, 412, 415
- Hazardous waste storage, regulated, environmental management department authorized to enforce criminal penalties—
 - SB 27, pages 13, 666, 1704, 1705, 1708, 1762
- Hunting, shooting across highways, prohibited penalties—
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- Judges presiding over criminal cases, authorized to sentence convicted persons to disciplinary and rehabilitation camps—
 - SB 353, page 200
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- Juror harassment, crime of defined, penalties—
 - SB 426, pages 296, 669, 1768, 1769
- Law enforcement officers, arrests without warrant, altered—
 - SB 313, pages 147, 402, 526, 640, 733, 734
- Licenses, hunting and fishing, combination provided, fees and penalties increased—
 - HB 381, pages 1547, 1578
- Livestock theft, confiscation and condemnation of all property used in commission of—
 - SB 316, pages 148, 211, 315, 337, 338
- Marijuana, possession of on school campuses, prohibited—
 - SB 53, pages 18, 207, 315, 328, 329, 371
- Mayors, commutation of sentence and remittitur of fines and court costs prohibited in cases of driving under the influence of alcohol and controlled substances—
 - SB 552, page 719
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- Motor vehicle carriers, prohibited from transporting hazardous waste through tunnels—
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CRIMES AND OFFENSES (Continued)

Open trucks, transporting children in back, prohibited, penalties—
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Probation officers, additional compensation, paid by county, certification requirements—
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Public safety department, employers required to request from, records of felonious convictions on job applicants—
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Safe street act, created, criminals ineligible for work release—
SB 180, pages 44, 209, 316, 346

Sexual assaults, person arrested for, required undergo AIDS test—
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Sunshine law, local or state governments required to keep records or recordings available for public inspection for one year, destruction or editing, class c misdemeanor—
SB 471, page 435

Tax returns, disclosure of, penalties increased—
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Vehicle safety responsibility act, altered, liability insurance mandatory—
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Voting procedures, cross-over voting prohibited, primary elections regulated—
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Worthless checks, service charge increased to \$15.00—
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- Caves, regulation, liability and exemptions, pollution and vandalism, penalties—
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HB 342, pages 597, 759
- Citizenship restored to certain criminals—
SB 498, page 588
- Correctional institutions, criminal proceedings, including habeas corpus and coram nobis, may be held in, CA—
SB 328, page 152
HB 345, pages 791, 1500
- Crime of falsely reporting an incident, penalty increased to felony—
SB 177, pages 44, 127, 217, 219, 221, 231
- Criminal defendants, judged not guilty by reason of insanity, court proceeding required prior to release from facility—
SB 137, pages 36, 260, 315, 334, 371, 2239, 2253, 2271, Act no. 88-581
- Criminal justice system council on crime and punishment, established, composition of council—
SB 405, pages 292, 668
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- Criminally negligent homicide, class c felony—
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- Death penalty, abolished—
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- Death sentence, governor authorized to commute to life sentence, for crimes—
SB 179, pages 44, 401
- Domestic abuse, court jurisdiction hearings, venue altered, penalties increased—
SB 311, pages 147, 402
- Drug traffickers, reward for information leading to arrest and conviction, payable from governor's contingency fund—
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- Drug trafficking, additional penalties for using guns—
SB 163, page 41
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- Drug trafficking, criminal enterprise (kingpin) established, penalties—
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- Hazardous waste storage, regulated, environmental management department authorized to enforce criminal penalties—
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- Inmate temporary release, notice to be given to district attorney and through him to victim—
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- Insanity defense, definition of, altered—
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- Insanity, investigations of confined adults, circuit or district judges authorized to institute—
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- Judges presiding over criminal cases, authorized to sentence convicted persons to disciplinary and rehabilitation camps—
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- Juror harassment, crime of defined, penalties—
SB 426, pages 296, 669, 1768, 1769
- Juvenile offenders, once certified to stand trial as adult, all subsequent criminal proceedings will be as adult offender—
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- Law enforcement officers, arrests without warrant, altered—
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- Mental health board, superintendent and physicians, depositions permitted in civil and criminal cases—
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- Parolees, violation of parole, time for holding without warrant extended—
SB 326, pages 150, 259, 413, 621, 642, 812, 854, 855
- Peace officer, assault with intent to prevent, from performing duty, penalties increased—
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- Per diem and actual expenses, payment of, returning of accused to the state—
SB 486, pages 500, 666
- Public service commission, enforcement division members, granted police powers—
SB 51, pages 18, 212
- Rules of, amended to provide for alcohol and drug abuse examinations and reporting—
SB 303, pages 146, 402
- Sexual assaults, person arrested for, required to undergo AIDS test—
SB 530, pages 643, 896
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- Sunshine law, local or state governments required to keep records or recordings available for public inspection for one year, destruction or editing, class c misdemeanor—
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Traffic offenders, arrest of, include violations of municipal ordinances—
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SB 266, pages 108, 671
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Inquiry commission, established, CA—

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Supernumerary district attorneys' surviving spouse and, retirement fund,
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account may consist of affidavit or other legal evidence—

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Appropriation—

HB 257, pages 820, 1499, 2031, 2033, 2034, 2063, Act no. 88-500

HB 1000, pages 1601, 1810, 2031, 2033, 2050, 2070, Act no. 88-501

DRIVING UNDER INFLUENCE

Doctors, exempt from civil liability for statements regarding patients in
alcohol treatment programs if also in DUI school—
SB 401, pages 292, 751

Driver, with 0.04 percent alcohol, commits crime—

SB 92, pages 26, 903

HB 495, pages 1474, 1577

Forensic sciences department, responsible for chemical intoxication,
transferred from health department—SB 404, pages 292, 904, 1715, 1716, 1762, 2263, 2266, 2271, Act no.
88-660

DRUGS

Criminal procedure, rules of, amended to provide for alcohol and drug abuse examinations and reporting—
SB 303, pages 146, 402

Drug profits forfeiture act, drug program board, established—
SB 19, page 12
SB 94, pages 27, 127, 213, 360, 365, 385, 2256, 2258, 2271, Act no. 88-651
SB 398, pages 291, 904

Drug traffickers, reward for information leading to arrest and conviction, payable from governor's contingency fund—
SB 661, page 1415

Drug trafficking, additional penalties for using guns—
SB 163, page 41
HB 105, pages 591, 1518

Drug trafficking, criminal enterprise (kingpin) established, penalties—
SB 162, page 41

Health insurance policies, pharmacy of choice, contracts must include—
HB 141, pages 255, 608, 680, 827, 1795, 1796, 1797, 1904, Act no. 88-379

Marijuana, possession of, on school campuses, prohibited—
SB 53, pages 18, 207, 315, 328, 329, 371

Motor vehicles, accidents causing death or serious injury, blood tests for alcoholic beverages required—
SB 150, pages 39, 903, 1766, 1767, 1768, 1798

DURABLE POWER OF ATTORNEY

Created for health care, attorney authorized to make health care decisions for principal, manner of execution and attestation—
SB 242, page 103

EAST ALABAMA CHILD DEVELOPMENT CENTER

Appropriation—
SB 229, pages 54, 665
SB 643, page 1412
HB 1010, pages 1790, 1808, 2031, 2034, 2063, Act no. 88-498

EAST ALABAMA UNITED CEREBRAL PALSY CENTER

Appropriation—
HB 716, pages 887, 1507, 1649, 1650, 1897, 1941, Act no. 88-311

EDUCATION

Budget, appropriation for support, maintenance and development of public education—
SB 230, page 54
SB 630, page 1410
HB 135, pages 1978, 1999, 2167, 2167, 2170, 2172, 2174, 2176, 2182, 2232, 2239, 2242, 2252, 2258, 2259, 2260, 2261, 2263

Career incentive program act, repealed—
SB 54, pages 18, 130, 218, 220, 222, 235, 443, 465, 496, Act no. 88-71

EDUCATION (Continued)

- Classroom instructional supplies may be purchased in bulk, or local boards of education may make allocation to individual schools or teachers by voucher system—
SB 627, pages 1410, 1494, 1769, 1769
- Commission on higher education budget procedures—
SB 5, page 9
- Commission on higher education, membership, power, funding, authority, CA—
SB 497, page 588
- Community schools act, boards of education, county and state superintendents of education, to develop committees and coordinators for more local involvement in public schools—
SB 565, page 722
- County boards of, meetings regulated—
SB 160, pages 41, 209, 314, 322, 323, 372
- Department of, appropriation—
SB 573, pages 724, 752, 988, 990, 992, 1339, 1404, 1405, 1406
SB 637, pages 1411, 1496
HB 839, pages 851, 898, 987, 989, 991, 1338, 1340, 1343, 1344, 1378, 1452, 1456, Act no. 88-247
HB 1005, pages 1783, 1807, 2008, 2022, 2023, 2047, Act no. 88-504
- Employees, active and retired, pay increase, supplemental appropriation—
SB 284, pages 112, 1493
HB 340, pages 1788, 1815, 2167, 2170, 2172, 2174, 2176
- Home instruction as means of educating children, exempt from reporting, registering and physical education requirements—
SB 273, page 110
- League for advancement of education, appropriation—
HB 667, pages 1803, 1998, 2169, 2171, 2173, 2176, 2178
- Local boards of, advance payments for expenses of members—
SB 331, pages 196, 405, 933, 1189, 1697, 1698
- Local boards of, make payroll deductions for contributions for political purposes—
SB 598, page 766
- Local boards of, warrants issued by, may be payable out of proceeds of taxes pledged to education—
SB 362, pages 202, 612
- Lyman Ward military academy, appropriation—
SB 200, pages 49, 755
HB 253, pages 1982, 1997, 2168, 2170, 2173, 2175, 2177
- Mental health and mental retardation department, designated special school district, superintendent position established, duties—
SB 344, page 198
HB 498, pages 1949, 1989
- Military, education benefits for children of servicemen killed in line of duty, altered—
SB 520, page 625

EDUCATION (Continued)

National guard medical officer training corps, established, commission on higher education to make grants to members of national guard to attend medical school—
SB 617, page 784

Parents or legal guardians of students, required to pick up report of grades from schools, boards of education to implement—
SB 380, page 249

Public education personnel records, regulated—
SB 208, page 51

Public school systems, personnel vacancy notice to be posted—
SB 97, pages 27, 210, 413, 621, 642, 812, 856, 857, 878

Quality in education act of 1988, governor's education reform bill—
SB 195, pages 46, 405

School attendance required for children age five to sixteen years of age, enrollment cut-off changed to September 1—
SB 277, page 111

School systems, accountability, minimum standards of, required—
HB 674, pages 1978, 1995, 2167, 2168, 2170, 2173, 2175, 2177

Schools, allowed to shorten the minimum number of days for natural disasters, authorized by city or county boards of—
SB 70, page 21

Selma university, board of trustees, membership increased—
SB 539, pages 645, 1502

Sick leave, educational personnel, limited—
SB 99, pages 28, 130, 219, 221, 314, 316, 317, 1193, 1329, 1334, Act no. 88-261

Special reserve account established, to be used in event of proration of special educational trust fund budget—
SB 124, pages 33, 611
HB 140, pages 1784, 1815

Special schools, appropriation—
SB 215, pages 52, 1494
SB 384, page 250
SB 437, page 348
HB 231, pages 1804, 1996, 2169, 2171, 2173, 2176, 2178

State board of, and boards of trustees of four-year institutions, ex-officio, non-voting positions established—
SB 365, pages 245, 823

Student loan program, administered by ACHE and public school authority—
SB 521, pages 625, 759, 838, 1057, 1569, 1686, 1686

Student teachers, now retired, prohibited from claiming service time for retirement purposes, and from participating in retirement system—
SB 620, pages 879, 1496, 1712, 1713, 1713, 2257, 2258, 2271, Act no. 88-653

Students in extracurricular activities, tutoring program for, authorized—
SB 440, page 348

EDUCATION (Continued)

- Superintendents of, county, appointment by county boards of education—
SB 196, pages 48, 612, 946, 1190
- Sylacauga nurses training school, appropriation—
SB 209, pages 51, 755
HB 236, pages 1980, 1997, 2168, 2170, 2173, 2175, 2177
- Talladega college, appropriation—
SB 210, pages 51, 755
HB 238, pages 1981, 1997, 2168, 2170, 2173, 2175, 2177
- Teacher tenure, transfers, appeals from cancellation of contracts, procedures—
SB 339, page 197
- Teacher units, may be allocated for kindergartens—
HB 303, pages 600, 823
- Teachers' scholarship loans, eligibility and repayment—
SB 522, pages 625, 759, 838, 1057, 1569, 1685, 1686
- Teachers, transfer procedure clarified—
SB 143, pages 37, 210
- Trust act created, powers, duties of board of directors, advance tuition payment contracts and payment fund—
SB 22, pages 12, 611
- Tuskegee university, appropriation—
SB 225, pages 53, 1494
SB 567, page 723
HB 244, pages 1981, 1997, 2168, 2170, 2173, 2175, 2177
- Walker county junior college, appropriation—
SB 294, pages 144, 755
HB 245, pages 1982, 1997, 2168, 2170, 2173, 2175, 2177
- Wallace state community college, physical therapy assistant program, established at—
SB 628, page 1410

ELECTIONS

- Absentee election managers, appointment, disqualification, compensation—
SB 126, pages 33, 166, 314, 321, 322, 530, 579, 584, Act no. 88-88
- Campaign finance disclosure, campaign committees, registration, contributions and expenditures by political committees, penalties—
SB 358, pages 201, 324
HB 493, pages 795, 1503, 1792, 2167, 2168, 2170, 2172, 2175, 2177
- Campaign finance disclosure statements, filing regulated—
SB 17, page 11
SB 31, page 14
- Candidates, list of, required to file under corrupt practices statutes, expanded—
HB 481, pages 298, 403, 457, 616, 686, 704, Act no. 88-117
- Constables, county elections to abolish, authorized—
SB 494, pages 587, 905

ELECTIONS (Continued)

Deputy circuit clerks, authority for election in counties with more than five circuit judges, removed, provisions regarding compensation, removed—

SB 357, pages 201, 668, 702, 910, 940

Elections, ballot examination—

HB 290, pages 1492, 1576

Primary elections, single ballot primaries authorized, electors may vote without regard to party affiliation—

SB 388, pages 251, 402

Voting procedures, cross-over voting prohibited, primary elections regulated—

SB 6, pages 9, 165

ELECTRIC COOPERATIVES

Banks, to pledge acceptance assets as security for deposits for rural electric cooperatives—

SB 387, page 251

ELECTRICAL CONTRACTORS BOARD

Master and journeymen electricians, licensed and regulated—

SB 107, pages 29, 132, 181, 307, 313

HB 203, pages 395, 456, 510, 640, 727, 739, Act no. 88-129

ELYTON RECOVERY CENTER

Appropriation—

SB 220, pages 53, 665

HB 227, pages 1607, 1813, 2031, 2035, 2051, 2073, Act no. 88-502

EMERGENCY MANAGEMENT AGENCY

Supplemental appropriation—

SB 550, page 648

HB 763, pages 1478, 1594

EMERGENCY MEDICAL SERVICES

Appropriation—

SB 222, pages 53, 1496

HB 226, pages 1475, 1573, 2031, 2035, 2063, Act no. 88-497

EMERGENCY TELEPHONE SERVICE

Communication districts established by ordinance or resolution of governing body of any county or municipality—

SB 556, pages 720, 900

HB 696, pages 1473, 1579

EMINENT DOMAIN

Procedures changed—

SB 533, pages 644, 905

ENGINEERS

- Architects, builders and, actions in tort and contract against, statute of limitations—
SB 142, pages 37, 208
HB 392, pages 1476, 1577

ENTOMOLOGISTS

- Board of examiners for horticulturists, plant pathologists, floriculturists, tree surgeons and professional, sunset law review, fee set, revocation of certificate—
SB 86, pages 25, 359, 453, 505, 522, 582, 730, 770, 773, Act no. 88-139

ENVIRONMENT

- Abandoned mine and reclamation trust fund established, to receive federal funds—
SB 356, pages 201, 610
- Caves, regulation, liability and exemptions, pollution and vandalism, penalties—
SB 330, pages 196, 409, 622, 642, 812, 862, 871, 878, 2252, 2254, 2271, Act no. 88-582
HB 342, pages 597, 759
- Groundwater protection trust fund, created, advisory board established—
SB 508, pages 590, 900
HB 719, pages 1471, 1579, 1805, 1903, Act no. 88-378
- Hazardous substance cleanup fund, established—
SB 28, pages 13, 1500
SB 58, pages 19, 614, 1716, 1717, 1724, 1762
- Hazardous waste, ban on development of new commercial treatment or disposal facilities—
SB 57, pages 18, 614
- Hazardous waste disposal fees prescribed, disposition—
HB 333, pages 1478, 1580, 2167, 2170, 2172, 2174, 2176
- Hazardous waste treatment facility or disposal site prohibited after December 31, 1988, unless approved by legislature—
SB 106, pages 29, 305, 373, 378, 429, 430, 440, 884, 954, 1172, Act no. 88-266
- Littering, crime of, constitutes prima facie evidence of an individual's criminal actions—
SB 172, pages 43, 209
SB 600, page 766
- Motor vehicle carriers, prohibited from transporting hazardous waste through tunnels—
SB 270, pages 109, 609
- Pesticide act of 1971, violations, agriculture and industries commissioner to impose civil fines, appeal process—
SB 430, pages 297, 409
- Public service commission, authorized to regulate wastewater treatment utilities—
SB 39, pages 15, 131
- Solid waste authorities, revenues defined, joint incorporation of solid waste disposal authorities authorized, procedure, dissolutions—
HB 587, pages 598, 1806

ENVIRONMENT (Continued)

Solid waste collection, regulated by municipalities and counties, powers, duties, public participation—

SB 205, pages 50, 167, 813, 874

Surface mining control and reclamation act, amended to regulate blasters and provide for renewal certificates and fees—

SB 395, pages 291, 610

Water, protected from lead contamination, penalties—

SB 517, pages 624, 896, 1734, 1735, 2252, 2254, 2271, Act no. 88-583

Water system assistance authority, established—

SB 428, pages 296, 455, 622, 642, 812, 864, 870, 878

ENVIRONMENTAL MANAGEMENT DEPARTMENT

Authorized to establish license program for persons whose services could adversely affect water quality well monitoring—

SB 59, page 19

Authorized to seek federal approval to establish underground storage tanks regulatory and wellhead protection program—

SB 60, pages 19, 212, 315, 339, 827, 828, 837, 878

HB 321, pages 1467, 1579, 2040, 2041, 2043, 2070, Act no. 88-537

Hazardous waste storage, regulated, environmental management department authorized to enforce criminal penalties—

SB 27, pages 13, 666, 1704, 1705, 1708, 1762

Solid waste management plan, director of environmental management to prepare, and submit plan to legislature at next regular session, to place moratorium on sanitary landfills—

SB 650, page 1413

ESTATES

Banking, bank trust departments, authorized to list trust funds as pledge of assets for security—

SB 66, pages 20, 204, 413, 622, 642, 812, 859, 860, 1327, 1329, 1334, Act no. 88-260

Intestate, right of a surviving spouse to an elective share clarified—

SB 129, pages 34, 127

ETHICS COMMISSION

Code of ethics, exemption for firemen—

SB 338, pages 197, 263, 316, 342

Newspaper owners, editors, and stockholders required to file economic interest statement with—

SB 542, page 646

EXAMINERS OF PUBLIC ACCOUNTS

Appropriation—

SB 582, pages 725, 754

HB 837, pages 850, 897, 987, 989, 991, 1338, 1378, 1454, Act no. 88-232

EXPLOSIVES

Utilities, required to be notified by persons excavating or discharging,
near utility facilities—
SB 46, page 17

EYE FOUNDATION, INCORPORATED

Tax exempt—
SB 204, pages 50, 304, 412, 431, 432, 1949, 1988, 2112, Act no. 88-
543
HB 387, pages 1958, 1998

FALLOUT SHELTER

Public buildings with radioactive fallout protection construction, ex-
emptions—
HB 29, pages 399, 1592

FAMILY LAW

Human resources department, to charge fee for investigation services
performed in divorce cases—
SB 213, pages 52, 130

Surrogate motherhood contracts, void—
SB 664, page 1415
HB 172, pages 394, 664, 915, 1175, 1695

**FAMILY MEDICAL CATASTROPHE FUND AND FAMILY MEDICAL
CATASTROPHE FUND BOARD**

Established—
SB 23, pages 12, 131, 217, 219, 221, 226, 227, 237

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Black belt human resource development center, appropriation—
SB 221, page 53
SB 633, pages 1410, 1499
HB 1006, pages 1598, 1807, 2007, 2013, 2105, 2236, Act no. 88-596

Communications bureau established within data systems management
division of—
SB 266, pages 108, 671
HB 429, pages 1478, 1806

Convention facilities act, fund established, payment to eligible tourism
facilities to enhance tourism—
SB 350, pages 199, 1503

Expenses of state employees and officers, notarization requirement re-
moved—
SB 347, pages 199, 402

Nonprofit organizations, may purchase goods and services from stores
division, corrections industries, and—
SB 281, pages 111, 258, 373, 381, 382, 385

Purchases and stores, division of, changed to division of purchasing—
SB 403, pages 292, 1501

FINANCE DEPARTMENT (Continued)

Telephone revolving fund, appropriation—

SB 570, pages 723, 752

SB 634, pages 1411, 1495

HB 830, pages 819, 899, 988, 990, 991, 1339, 1394, 1395, 1455, Act no. 88-238

HB 1015, pages 1784, 1808, 2031, 2036, 2063, Act no. 88-499

Youth care authority, established as public corporation, officers, powers, issue bonds, legislative oversight committee established, expense allowance—

SB 352, pages 200, 1515, 1769, 1770, 1781, 1782, 1886, 1887, 1923

Youth services department, competitive bidding for purchases and contracts—

SB 411, pages 293, 756

FIRE PROTECTION

Alarm systems business, regulated—

SB 64, pages 20, 132, 181, 307, 311, 328

Fire marshal's assistants, exempt from civil liability for acts or omissions in performing duties—

SB 34, pages 15, 207

HB 6, pages 593, 902

Fireworks, manufacture and sale of, regulated—

SB 421, pages 295, 615, 622, 761, 842, 843, 878

Forest fire protection, assessment, CA—

SB 309, pages 147, 409, 464, 618, 695, 696, 704

Forest fire protection, assessment, statewide—

SB 310, pages 147, 409, 464, 618, 692, 693, 704

Law enforcement officers, retired officers authorized to carry handgun, card authorization changed from annual to permanent basis—

SB 359, pages 202, 668, 1887, 1888

Motor vehicles and equipment, used in forest or grass fires, condemned and to be sold or used by state forester—

SB 171, pages 42, 758

Sprinkler systems, redefined and business regulated—

SB 501, pages 589, 675, 702, 910, 941, 942, 952

Water, sewer, fire protection authorities, members salary, increased—

SB 141, pages 36, 264, 333, 457, 467, 468, 501

FIREFIGHTERS' PERSONNEL STANDARDS AND EDUCATION COMMISSION

Appropriation—

SB 581, pages 725, 753

SB 646, pages 1412, 1495

HB 832, pages 819, 899, 988, 990, 992, 1339, 1397, 1453, Act no. 88-240

HB 1008, pages 1787, 1808, 2031, 2036, 2063, Act no. 88-496

Fire protection personnel and firefighters, time extended for municipalities and counties to recover training expenses—

SB 146, pages 38, 166, 217, 219, 221, 231, 1544, 1610, 1793, Act no. 88-315

Merged with fire college—

SB 296, pages 144, 261, 466, 618, 712, 2263, 2267, 2271, Act no. 88-663

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Code of ethics, exemption—

SB 338, pages 197, 263, 316, 342

Distinctive license plates, issued at no cost—

SB 189, pages 45, 665

FISCAL YEAR

State of Alabama, changed to July 1—

SB 133, page 35

FOOD STAMPS

Program, disposition of tax revenues—

SB 532, pages 644, 1498

FORENSIC SCIENCES DEPARTMENT

Chemical intoxication, responsible for, transferred from health department—

SB 404, pages 292, 904, 1715, 1716, 1762, 2263, 2266, 2271, Act no. 88-660

FOREST PRODUCTS

Maintenance of records, fine increased—

SB 61, pages 19, 128, 218, 219, 221, 232, 233

FORESTERS

License renewal, three month grace period after expiration date eliminated—

SB 198, pages 49, 408

FORESTRY COMMISSION

Cigarette tax, revenue distribution to, and certified volunteer fire departments—

HB 341, pages 1467, 1575, 1928, 1928, 1929, 1930, 1931, 1937, 1938, 1939, 1940, 2181

FORT GAINES

Appropriation—

HB 256, pages 820, 1593, 2168, 2171, 2173, 2175, 2177

HB 998, pages 1603, 1809, 2168, 2171, 2173, 2175, 2177

FORT PAYNE DEPOT

Appropriation—

HB 264, pages 823, 1593, 2169, 2171, 2174, 2176, 2178

HB 994, pages 1597, 1809, 2169, 2171, 2174, 2176, 2178

FUNERAL SERVICES, BOARD OF

Sunset law review, members, terms, comply with administrative procedure act, communicable disease report—

SB 91, pages 26, 404, 454, 505, 526, 527, 583, 729, 771, 773, Act no. 88-143

GAME AND FISH

Conservation and natural resources commissioner, authorized to set bag limits, season length and license fees for nonresidents of states which have entered reciprocal agreements abolished—

SB 323, page 149

Deer and turkey hunting licenses, nonresident provided, fees increased—

SB 158, pages 41, 211, 517, 640, 728

Fish ponds licensure and regulation, letter-permitting of "commercial fee fishing ponds" allowed—

SB 276, pages 110, 210, 312, 457, 2066, 2116, 2271, Act no. 88-578

Hunting and fishing license fees, increased, exemption for county residents deleted—

SB 282, pages 112, 211

HB 381, pages 1547, 1578

Hunting and fishing license fees, lifetime, increased—

SB 283, pages 112, 211

Hunting licenses, all game, nonresident, fees increased—

SB 325, pages 150, 211, 1724, 1725, 1725

Hunting licenses, non-resident individual property owner, exemption from alien treatment upon payment of ad valorem tax—

SB 445, pages 349, 902

Hunting, shooting across highways, prohibited, penalties—

SB 153, pages 39, 211

Licensing year, altered—

SB 157, pages 40, 210

HB 199, pages 592, 759

Marine resources and recreational licenses and fees, increased, disposition of funds to marine resources fund—

SB 71, pages 21, 128, 218, 220, 222, 240, 2078, 2115, 2270, Act no. 88-577

Wildlife print and stamp created, conservation and natural resources department to administer—

SB 168, pages 42, 129, 176, 182

GARNISHMENT

Debts, contracts on, levy and execution, garnishment procedures, inclusions and exclusions in computations—

HB 34, pages 351, 671, 768, 931, 951, 1082, Act no. 88-294

GEORGE C. WALLACE INDUSTRIAL AIR PARK

Appropriation—

HB 243, pages 1604, 1814, 2168, 2171, 2173, 2175, 2177

GOVERNOR

Drug traffickers, reward for information leading to arrest and conviction, payable from governor's contingency fund—
SB 661, page 1415

Employees' retirement system, prohibition against department heads of state agencies participation, removed—
SB 495, pages 587, 1498

Highway commission, established, to control highway department—
SB 484, pages 499, 639, 1057, 1077, 1079, 1080, 1085, 1085, 1086, 1128, 1173, 1176, 1177, 1178, 1179, 1180, 1190, 1192, 1194, 1195, 1240, 1282, 1323, 1325, 1327, 1332, 1334, 1334, 1336, 1336, 1337, 1339, 1409, 1456, 1458

Highway department contingency fund, repayment of funds transferred from—
HB 983, pages 1476, 1998

Quality in education act of 1988, governor's education reform bill—
SB 195, pages 46, 405

Security guards, exemption from minimum standards removed—
SB 12, pages 11, 165, 315, 332

Senate confirmation of appointments, gubernatorial appointees continue to serve until successors are confirmed, retroactive to January 1, 1988—
SB 432, pages 297, 356

GROUNDWATER PROTECTION TRUST FUND

Established, and advisory board established—
SB 508, pages 590, 900
HB 719, pages 1471, 1579, 1805, 1903, Act no. 88-378

HANDICAPPED CITIZENS HALL OF FAME

Established—
SB 247, pages 105, 400

HAZARDOUS SUBSTANCES

Cleanup fund, established, regulated by department of environmental management—
SB 28, pages 13, 1500
SB 58, pages 19, 614, 1716, 1717, 1724, 1762

Pipeline facilities transporting hazardous liquids, facilities used in the liquefaction of natural gas, public service commission to regulate—
SB 47, pages 17, 212, 413, 622, 642, 812, 861

HAZARDOUS WASTE

Ban on development of new commercial treatment or disposal facilities—
SB 57, pages 18, 614

Disposal fees, prescribed, disposition—
HB 333, pages 1478, 1580, 2167, 2170, 2172, 2174, 2176

HAZARDOUS WASTE (Continued)

- Disposal sites, public officials must declare interest in—
SB 203, pages 50, 306, 412, 415
- Hazardous material, handling teams, operated by state, county or municipality, civil immunity, granted—
HB 13, pages 443, 758
- Motor vehicle carriers, prohibited from transporting, through tunnels—
SB 270, pages 109, 609
- Radioactive waste, regulating and licensing, civil penalties—
HB 639, pages 1471, 1573, 2002, 2003, 2006, 2048, Act no. 88-535
- Southeast interstate low-level radioactive waste management compact, withdrawal from, altered—
HB 638, pages 1470, 1573, 2002, 2005, 2006, 2048, Act no. 88-534
- Storage, regulated, environmental management department authorized to enforce criminal penalties—
SB 27, pages 13, 666, 1704, 1705, 1708, 1762

HAZARDOUS WASTE CONTROL AMENDMENT OF 1988

- Hazardous waste treatment facility or disposal site prohibited after December 31, 1988, unless approved by legislature—
SB 106, pages 29, 305, 373, 378, 429, 430, 440, 884, 954, 1172, Act no. 88-266

HEALTH

- Bureau of vital statistics, authorized to collect data on medical procedures, confidentiality, program planning, public health services and penalties—
SB 314, pages 147, 408
- Commission on aging, compensation, duties and membership—
SB 603, page 766
- County boards of, authorized to set fees for services—
HB 181, pages 1548, 1572, 2168, 2170, 2172, 2175, 2177
- Department of, appropriation—
SB 583, pages 725, 754, 988, 989, 991, 1338, 1385, 1386, 1387
SB 648, pages 1412, 1495
HB 825, pages 817, 899, 988, 989, 991, 1338, 1385, 1453, Act no. 88-234
HB 1011, pages 1788, 1808, 2023, 2025, 2026, 2050, Act no. 88-486
- Dietetic/nutrition licensing act, created—
HB 360, pages 1470, 1578
- Diseases, reporting of communicable, exception to confidentiality—
SB 286, page 112
HB 351, pages 602, 751, 952, 1190, 1700, 1732
- Family medical catastrophe fund and family medical catastrophe fund board, established—
SB 23, pages 12, 131, 217, 219, 221, 226, 227, 237
- Forensic sciences department, responsible for chemical intoxication, transferred from health department—
SB 404, pages 292, 904, 1715, 1716, 1762, 2263, 2266, 2271, Act no. 88-660

HEALTH (Continued)

Groundwater protection trust fund, created—

SB 508, pages 590, 900

HB 719, pages 1471, 1579, 1805, 1903, Act no. 88-378

Hazardous waste disposal sites, public officials must declare interest in—

SB 203, pages 50, 306, 412, 415

Health care, durable power of attorney for, created, attorney in fact authorized to make health care decisions for principal, manner of execution and attestation—

SB 242, page 103

Health care facilities, license fees, increased—

HB 101, pages 595, 1572

Health care institution licensing, include home health agencies—

SB 408, pages 293, 896

SB 462, page 388

HB 102, pages 442, 1572

Hearing aid consumer protection act, established—

SB 278, pages 111, 751, 789, 1056, 1567

Hospitals, nursing homes, health care facilities, licensing, institutions affected redefined, hospices included—

SB 461, page 388

Infectious diseases, hospitals to notify pre-hospital personnel including law enforcement officers of persons who have diseases—

SB 271, pages 109, 896, 1782, 1783

Medicaid agency, prescription eyewear for qualified sight-impaired medicaid recipients—

SB 190, pages 46, 129, 176, 190, 191

Mental health and mental retardation department, funds deposited in state treasury—

SB 349, page 199

Occupational therapists, licensing board of, established—

SB 507, pages 590, 1501

SB 525, page 626

Ombudsmen act, long-term residential health care, amended—

SB 553, page 719

SB 597, pages 765, 1516

Physical fitness commission, renamed commission on physical fitness and sports—

SB 420, pages 295, 672, 769, 932, 956

Prenatal, maternity care and family planning services, indigent women and children eligible, supplemental appropriation—

SB 264, page 108

Radioactive waste, regulating and licensing, altered, civil penalties—

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SB 306, pages 146, 209, 413, 621, 642, 812, 855

Sunset law review continued, board members terms limited, insurance regulations altered—

SB 89, pages 26, 404, 454, 505, 525, 732, 771, 773, Act no. 88-142

LITTERING

Crime of, constitutes prima facie evidence of an individual's criminal actions—

SB 172, pages 43, 209

SB 600, page 766

LOANS

Student loan program, administered by ACHE and public school authority—

SB 521, pages 625, 759, 838, 1057, 1569, 1686, 1686

Teachers' scholarship, eligibility and repayment, altered—

SB 522, pages 625, 759, 838, 1057, 1569, 1685, 1686

LOBBYING

Chairman of state political party restricted from, CA—

SB 460, pages 388, 853, 904

LYMAN WARD MILITARY ACADEMY

Appropriation—

SB 200, pages 49, 755

HB 253, pages 1982, 1997, 2168, 2170, 2173, 2175, 2177

MAGISTRATES

District court, receive pleas of guilty for minor traffic infractions—

SB 237, pages 102, 667

MALLARD FOX CREEK PORT AND INDUSTRIAL PARK

Appropriation—

HB 247, pages 1606, 1812, 2168, 2171, 2173, 2175, 2177

MANUFACTURED HOUSING

Uniform standard code for the installation and anchoring of, manufactured homes act, commission powers and duties, penalties—

SB 399, page 291

MANUFACTURING

Construction equipment franchise act, manufacturers, distributors, wholesalers of construction equipment, regulated—

SB 468, pages 434, 615, 623, 761

Molds, procedure for disposal established—

SB 534, pages 644, 758

MARION MILITARY INSTITUTE

Appropriation—

SB 335, pages 197, 755

HB 237, pages 1981, 1997, 2168, 2170, 2173, 2175, 2177

MARRIAGE

Probate judges, retired, authorized to perform marriage ceremonies—

SB 9, pages 10, 127, 217, 219, 221, 225, 237, 2106, 2114, 2270, Act no. 88-551

Rape, crime of, exemption of spouse from definition, removed—

SB 36, page 15

SB 414, pages 294, 410

HB 46, pages 423, 612, 1753, 1791, Act no. 88-339

MAYORS

- Allowed to appoint a person on planning commission in his place—
SB 105, pages 29, 165, 218, 220, 222, 237, 797, 913, 1028, Act no. 88-215
- Commutation of sentence and remittitur of fines, and court costs prohibited, in cases of driving under the influence of alcohol and controlled substances—
SB 552, page 719
SB 599, pages 766, 1517

MEDICAID

- Agency, prescription eyewear for qualified sight-impaired medicaid recipients—
SB 190, pages 46, 129, 176, 190, 191
- Eligibility requirements, for pregnant women and children, payments for health care by physicians and midwives, hospital charges regulated—
SB 263, pages 108, 1515
- Nursing homes, medicaid eligibility retention, for patients whose income increases—
SB 56, pages 18, 125, 176, 190, 1949, 1987, 2112, Act no. 88-539

MEDICAL EXAMINERS, BOARD OF

- Impaired physicians committee, created to identify, intervene and rehabilitate physicians and osteopaths—
SB 155, pages 39, 304
HB 283, pages 287, 306, 2040, 2041, 2064, Act no. 88-536

MEDICAL LIABILITY ACT

- Chiropractor included—
SB 308, page 146

MEDICAL LICENSURE COMMISSION

- Licenses, revocation of, not suspended pending review under administrative procedure act—
SB 132, pages 34, 125, 218, 220, 222, 239, 530, 579, 584, Act no. 88-86

MEDICINE

- Bureau of vital statistics, authorized to collect data on medical procedures, confidentiality, program planning, public health services and penalties—
SB 314, pages 147, 408
- Family medical catastrophe fund and family medical catastrophe fund board, established—
SB 23, pages 12, 131, 217, 219, 221, 226, 227, 237
- Medical licenses, revocation of, not suspended pending review under administrative procedure act—
SB 132, pages 34, 125, 218, 220, 222, 239, 530, 579, 584, Act no. 88-86

MEDICINE (Continued)

National guard medical officer training corps, established, commission on higher education to make grants to members of national guard to attend medical school—

SB 617, page 784

Occupational therapists, board of, established—

SB 507, pages 590, 1501

SB 525, page 626

Physicians, out-of-state, temporary permission to practice in Alabama—

SB 289, pages 113, 306

HB 193, pages 288, 306, 413, 622, 642, 812, 861, 862, 939, Act no. 88-223

Rural health care initiatives, health care facilities, equipment and services review, unlawful competition, regulated—

SB 456, page 387

MEN'S HALL OF FAME

Established—

SB 488, pages 500, 670, 718, 910, 943

MENTAL HEALTH

Authority, bond issue authorized—

SB 538, page 645

HB 747, pages 1179, 1504, 1735, 1736, 1744, 1888, 2053, 2054, 2065, 2070, 2071, 2105, 2179, Act no. 88-475

Board, superintendent and physicians, depositions permitted in civil and criminal cases—

SB 175, pages 43, 401

Cigarette tax, pledged to mental health bond issuance—

SB 518, page 625

HB 748, pages 1178, 1504, 2072, 2073, 2107, 2179, Act no. 88-476

Criminal defendants, judged not guilty by reason of insanity, court proceeding required prior to release from facility—

SB 137, pages 36, 260, 315, 334, 371, 2239, 2253, 2271, Act no. 88-581

Inmates, violent acts and liability, provided—

SB 485, page 499

Mental retardation department and, appropriation—

SB 580, pages 725, 753

SB 642, pages 1411, 1495

HB 841, pages 851, 900, 989, 990, 992, 1339, 1408, 1409, 1452, Act no. 88-246

HB 1052, pages 1885, 1998, 2168, 2170, 2173, 2175, 2177

Mental retardation department and, designated special school district, superintendent position established, duties—

SB 344, page 198

HB 498, pages 1949, 1989

Mental retardation department and, funds deposited in state treasury—

SB 349, page 199

MENTAL HEALTH (Continued)

Mental retardation department and, orderlies, granted merit system status—
SB 478, page 436

Pardons and paroles board, intensive supervision program to be established, administration—
SB 475, pages 435, 904

MENTAL HEALTH ASSOCIATION

National council on alcoholism and, added to list of charities for which state employees and teachers payroll deductions may be made—
SB 62, pages 20, 755, 1711, 1712

MILITARY

Education benefits for children of servicemen killed in line of duty, altered—
SB 520, page 625

Income tax, military retirement benefits totally exempt—
SB 25, page 13
SB 447, page 350

Selective service, persons not registered with, not eligible for state employment, promotions or enrollment in state institutions of higher learning—
SB 201, pages 49, 130
HB 132, page 797

MINE PERSONNEL, BOARD OF EXAMINERS

Sunset law review, continued, members terms limited, reprimand authorized—
SB 81, pages 24, 358, 453, 504, 512, 729, 770, 773, Act no. 88-135

MINES AND MINING

Abandoned mine and reclamation trust fund established to receive federal funds—
SB 356, pages 201, 610

Coal mine safety, further regulated—
SB 467, page 434
SB 510, page 590
SB 625, page 1032

Surface mining control and reclamation act, amended to regulate blasters and provide for renewal certificates and fees—
SB 395, pages 291, 610

MINIMUM STANDARDS ACT

Governor's security guards, exemption from removed—
SB 12, pages 11, 165, 315, 332

MINING MUSEUM

Appropriation—
SB 444, pages 349, 756

MINORITIES

Bid law, contracts of minorities exempt—
SB 655, page 1414

Black heritage museum of west Alabama, established at Stillman college—
SB 427, pages 296, 404, 470, 619, 713, 2262, 2266, 2271, Act no. 88-661

Small and disadvantaged business assistance act of 1988, established—
SB 541, pages 646, 1498

MINORS

Adoption laws, revised—
SB 684, pages 1461, 1577

Alcoholic beverages, civil liability for selling or furnishing unlawfully—
SB 2, pages 9, 126, 411

Alcoholic beverages, licensing code, unlawful sales to certain persons and, regulated—
SB 504, pages 589, 674

Boats, children must wear life preservers, penalties—
HB 483, page 1958

Military, education benefits for children of servicemen killed in line of duty, altered—
SB 520, page 625

Open trucks, transporting children in back, prohibited, penalties—
SB 191, page 46

Probation officers, additional compensation, paid by county, certification requirements—
SB 614, page 783

MOBILE ARTS AND SPORTS ASSOCIATION

Charitable, religious, or civic organizations, exempt from taxation and licensing—
SB 481, page 498

MOBILE BAY

Oil and gas wells, onshore and offshore, tax rate on, reduction granted to certain, onshore discovery wells removed—
HB 695, pages 1492, 1573, 1888, 1915, 1918, 1921, 2105, 2236, Act no. 88-601

Pilotage commission, sunset law review continued, method of computing pilots fees, altered—
SB 79, pages 24, 358, 453, 504, 510, 582, 729, 737, 748, Act no. 88-128

Pilotage fees in harbor and, revised—
SB 166, page 42
HB 169, pages 254, 1592

MOBILE HOMES

Ad valorem treatment of, administration of, regulated—
HB 671, pages 1790, 1815, 2167, 2170, 2172, 2174, 2176

Manufactured housing commission recovery fund, created—
SB 245, pages 104, 260, 738, 740, 742, 743, 744, 746, 747, 747, 748,
748, 761, 774, 853, 1463

Manufactured housing, uniform standard code for the installation and
anchoring of, manufactured homes act, commission powers and
duties, penalties—
SB 399, page 291

MOLDS

Procedure for disposal established—
SB 534, pages 644, 758

MORTGAGES

Deeds, instruments, and one source of registration for, probate courts
authorized to maintain—
HB 37, pages 592, 1518

Real property, redemption of, who may redeem and order of redemption,
time period and allowable charges regulated—
SB 131, pages 34, 126
HB 114, pages 350, 670, 915, 1175, 1687, 1688, 1897, 1942, Act no.
88-441

Title passing by mortgage will not divest until all secured obligations
are paid—
SB 95, pages 27, 124, 314, 318, 533, 578, 584, Act no. 88-89

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

Altered, liability insurance mandatory—
SB 389, page 251

MOTOR VEHICLES

Accidents causing death or serious injury, blood tests for alcoholic
beverages required—
SB 150, pages 39, 903, 1766, 1767, 1768, 1798

Carriers, prohibited from transporting hazardous waste through tunnels—
SB 270, pages 109, 609

Drivers' licenses, duplicates, fees for, increased—
HB 278, pages 1481, 1574, 2168, 2170, 2172, 2174, 2177

Driving record abstracts, fees for, increased—
HB 276, pages 1482, 1574, 2168, 2170, 2172, 2174, 2176

Emergency vehicles, authorized, public owned police vehicles excepted—
SB 307, pages 146, 758

Equipment and, used in forest or grass fires, condemned and to be sold
or used by state forester—
SB 171, pages 42, 758

MOTOR VEHICLES (Continued)

Firefighters, distinctive license plates, issued at no cost—
SB 189, pages 45, 665

Headlights, use required in rain—
SB 13, pages 11, 130, 176, 180

Learners' permits, four-year permit provided, fees for, increased—
HB 279, pages 1475, 1591, 2168, 2170, 2172, 2174, 2177

Legislators, distinctive license plates, authorized—
SB 549, pages 648, 900, 1735, 1735

License tag or plate, special, fees, required to be paid on annual basis—
HB 131, pages 1490, 1574

License tags, collegiate, issuance, authorized, Troy state university license tag, regulated—
HB 130, pages 203, 303, 463, 618, 691, 692, 698, 741, 744, Act no. 88-127

License plates for, distinctive, handicapped persons authorized to display—
HB 1, pages 593, 901, 1701, 1798, 1903, Act no. 88-547

Municipal employees, municipalities to indemnify and provide insurance for accidents arising from employment—
SB 300, pages 145, 1517, 1764, 1766, 1798, 2261, 2268, 2271, Act no. 88-657

Open trucks, transporting children in back, prohibited, penalties—
SB 191, page 46

Open-top trucks, exempt from motor carrier act regulations—
SB 269, page 109

Public service commission, levy fee for administrative services, motor carriers fees regulated—
SB 42, page 16

Recreational vehicles, license fees, plates, tax, decreased—
HB 468, pages 601, 757

Ridesharing and carpools, procedure established—
SB 337, pages 197, 1574

School buses, operation of overcrowded, prohibited—
SB 662, page 1415

Self-propelled campers and house cars defined, taxes and fees for recreational vehicles—
SB 250, pages 105, 265, 308, 456, 462, 463, 501

Special tags or plates for institutions of higher learning, proceeds to general scholarship funds—
SB 24, pages 13, 302

Telephone providers which are customer-owned, coin-operated, regulated by public service commission, funded by fees on transportation companies—
SB 45, pages 16, 613

MOTOR VEHICLES (Continued)

Title transfers, fees altered—

HB 861, pages 1481, 1594, 2168, 2170, 2172, 2174, 2177

Traffic fines, delinquent payment of, provided—

SB 489, page 500

Traffic fines, increased, proceeds to truck driving instruction, traffic and boating safety programs—

SB 18, page 11

SB 21, pages 12, 206, 316, 345, 2262, 2266, 2271, Act no. 88-658

Traffic offenders, arrest of, include violations of municipal ordinances—

SB 236, pages 102, 667

Trailers and, dealers relieved of responsibility of collection of taxes on, for counties and municipalities—

SB 361, pages 202, 263

Transportation companies, inspection and supervision fee—

SB 43, page 16

Trucks and truck tractors, public service commission, prohibited from regulating—

SB 123, pages 33, 614

Trucks, five-year registration and license, authorized—

SB 55, pages 18, 131, 176, 193, 213

Trucks, vans, school buses or taxi cabs, drivers of, blood alcohol content necessary to be convicted of driving under the influence, altered—

SB 92, pages 26, 903

HB 495, pages 1474, 1577

Vehicle safety responsibility act, altered, liability insurance mandatory—

SB 389, page 251

MOUNTAIN LAKES TOURIST ASSOCIATION

Appropriation—

HB 1058, pages 1885, 1998, 2169, 2171, 2173, 2175, 2177

MUNICIPALITIES

Airport authorities, exercise of police jurisdiction, crimes on property in municipal court—

SB 446, pages 349, 669

Alcoholic beverages, ABC board to audit and collect certain taxes on sale of—

SB 505, pages 589, 674

HB 472, pages 1493, 1816, 2167, 2170, 2172, 2174, 2176

Business license tax, issuing fee and penalties increased—

SB 122, pages 32, 131, 218, 219, 221, 232

Candidates, list of, required to file under corrupt practices statutes, expanded—

HB 481, pages 298, 403, 457, 616, 686, 704, Act no. 88-117

Class 5 municipalities, eradication of public nuisances—

HB 904, pages 1430, 1513, 1670, 1730, Act no. 88-333

MUNICIPALITIES (Continued)

- Competitive bid laws, county and municipal contracts to resident bidders, provided—
SB 392, pages 252, 403
- Convention facilities act, fund established, payment to eligible tourism facilities to enhance tourism—
SB 350, pages 199, 1503
- Council-manager form of government, examination of books by accountants—
SB 409, page 293
HB 185, pages 604, 1502, 1847, 2079, 2080, 2237, Act no. 88-568
- Counties, granted same power as cities for public improvements, assess those benefited—
SB 327, pages 150, 261, 458, 616, 688, 690, 704
- Counties, license or privilege tax on fire or marine insurance companies, proceeds for fire protection—
SB 660, page 1415
- County and municipal taxing authority, prohibited from levying and collecting income or occupational tax, CA—
SB 321, page 149
SB 324, page 149
- County, city and town employees and legislators under state employees' health insurance plan—
SB 304, pages 146, 400, 1755, 1756, 1756
- Emergency telephone service, communication districts established by ordinance or resolution of governing body of any county or—
SB 556, pages 720, 900
HB 696, pages 1473, 1579
- Establish self-funded liability insurance for protection for member—
SB 128, pages 33, 166, 413, 622, 642, 812, 860
- Fire protection personnel and firefighters, time extended for counties and, to recover training expenses—
SB 146, pages 38, 166, 217, 219, 221, 231, 1544, 1610, 1793, Act no. 88-315
- Full-time law enforcement officers, minimum pay scale tied to deputy sheriff—
SB 165, pages 41, 903, 1974
- Hazardous material, handling teams, operated by state, county or municipality, civil immunity, granted
HB 13, pages 443, 758
- Historical preservation, commissions and architectural review boards for counties and, powers and exceptions—
SB 134, pages 35, 166, 218, 220, 222, 241, 242
- Mayor allowed to appoint a person on planning commission in his place—
SB 105, pages 29, 165, 218, 220, 222, 237, 797, 913, 1028, Act no. 88-215

MUNICIPALITIES (Continued)

- Municipal and county funds, investment regulated—
SB 68, pages 21, 165, 218, 220, 222, 234
- Municipal court costs, increased, distribution to salaries of law enforcement officers—
SB 511, pages 591, 1497, 1977
- Municipal courts, bail and appeal procedures altered—
SB 35, pages 15, 127, 315, 338
HB 151, pages 203, 403, 2112, 2112, 2166
- Municipal employees, to indemnify and provide insurance for accidents arising from employment—
SB 300, pages 145, 1517, 1764, 1766, 1798, 2261, 2268, 2271, Act no. 88-657
- Municipal expenditures, new or increased, delayed until new fiscal year, referendum, CA—
SB 69, pages 21, 165, 217, 219, 221, 227, 228, 1947, 1987, 2112, Act no. 88-312
- Police forces, authorized to patrol salt water beaches within boundaries to enforce municipal ordinances and state laws—
SB 149, pages 38, 261, 373, 379
- Public corporations and, created pursuant to title 11, chapter 50, prohibited from duplicating services of waterworks—
SB 145, pages 38, 265, 412, 413
- Solid waste authorities, revenues defined, joint incorporation of solid waste disposal authorities authorized, procedure, dissolutions—
HB 587, pages 598, 1806
- Solid waste collection, regulated by counties and, powers, duties, public participation—
SB 205, pages 50, 167, 813, 874
- State policemen, retired through state retirement system, authorized to be employed by county or municipal agencies, which have retirement systems through state system—
SB 253, pages 106, 167, 315, 330
- Sunshine law, local or state governments required to keep records or recordings available for public inspection for one year, destruction or editing, class c misdemeanor—
SB 471, page 435
- Trailers and, dealers relieved of responsibility of collection of taxes on, for counties and—
SB 361, pages 202, 263
- Water, sewer, fire protection authorities, members salary, increased—
SB 141, pages 36, 264, 333, 457, 467, 468, 501

MUSIC HALL OF FAME

- Bond authority established, issue bond powers, CA—
SB 529, pages 643, 760, 812, 853, 854, 854, 2262, 2269, 2271, Act no. 88-549

NATIONAL COUNCIL ON ALCOHOLISM

Mental health association and, added to list of charities for which state employees and teachers payroll deductions may be made—
SB 62, pages 20, 755, 1711, 1712

NATIONAL GUARD

Medical officer training corps, established, commission on higher education to make grants to members of national guard to attend medical school—
SB 617, page 784

NEWSPAPERS

Owners, editors, and stockholders of, required to file economic interest statement with ethics commission—
SB 542, page 646

NONPROFIT CORPORATIONS

Purchase goods and services from stores division, finance department and corrections industries—
SB 281, pages 111, 258, 373, 381, 382, 385

NOTARIES PUBLIC

Finance department, expenses of state employees and officers notarization requirement removed—
SB 347, pages 199, 402

NOTICE, LEGAL

Real estate, mortgages on, regulated, foreclosures and notice—
SB 130, pages 34, 127
HB 116, pages 352, 670, 915, 1175, 1694, 1732

NURSING, BOARD OF

Appropriation—
SB 574, pages 724, 753
SB 635, pages 1411, 1497
HB 823, pages 798, 899, 987, 989, 991, 992, 1082, Act no. 88-227
HB 1007, pages 1787, 1808, 2007, 2008, 2009, 2049, Act no. 88-513

NURSING HOMES

Hospitals, health care facilities and, licensing, institutions affected re-defined, hospices included—
SB 461, page 388

Hospitals, health care facilities and, licensing, institutions affected re-defined, home health agencies included—
SB 408, pages 293, 896
SB 462, page 388
HB 102, pages 442, 1572

Long-term residential health care recipient ombudsman act, amended—
SB 553, page 719
SB 597, pages 765, 1516

NURSING HOMES (Continued)

Medicaid eligibility retention, for patients whose income increases—
SB 56, pages 18, 125, 176, 190, 1949, 1987, 2112, Act no. 88-539

Veterans' home, veterans affairs department to establish and operate—
SB 503, pages 589, 1501, 1756, 1757, 1761, 1798

NUTRITIONISTS

Dietetic/nutrition licensing act, created—
HB 360, pages 1470, 1578

OAKWOOD COLLEGE

Appropriation—
SB 319, page 148

OBSCENITY

Anti-obscenity enforcement act, definitions, penalties—
SB 272, pages 109, 903
SB 564, page 722
HB 418, pages 1465, 1576, 1947, 1978, 1978, 2002

OCCUPATIONAL THERAPY, BOARD OF

Established—
SB 507, pages 590, 1501
SB 525, page 626

OFFICE OF PROSECUTION SERVICES

Appropriation—
SB 578, pages 725, 753
HB 833, pages 848, 899, 988, 990, 992, 1339, 1398, 1399, 1453, Act
no. 88-241

OIL AND GAS

Board, duties, drilling fees increased, special fund created—
SB 10, pages 10, 209, 316, 344, 345, 2067, 2114, 2270, Act no. 88-
576

Board, regulate underground storage of gas—
SB 433, pages 297, 610, 648, 827, 847, 848

Costs of pooling land, altered—
SB 526, page 626

Interest rate paid on undistributed oil and gas revenues—
SB 679, page 1460
HB 500, pages 1489, 1594, 2158

Liquefied petroleum gas board, regulated—
SB 306, pages 146, 209, 413, 621, 642, 812, 855

Liquefied petroleum gas, sales tax exemption of, when used in fertilizer—
SB 275, pages 110, 902

Pipeline facilities transporting hazardous liquids, facilities used in the
liquefaction of natural gas, public service commission to regulate—
SB 47, pages 17, 212, 413, 622, 642, 812, 861

Wells, onshore and offshore, tax rate on, reduction granted to certain,
onshore discovery wells removed—
HB 695, pages 1492, 1573, 1888, 1915, 1918, 1921, 2105, 2236, Act
no. 88-601

OMBUDSMAN

- Long-term residential health care recipient ombudsman act, amended—
 - SB 553, page 719
 - SB 597, pages 765, 1516

OPPORTUNITIES INDUSTRIALIZATION CENTER

- Appropriation—
 - SB 218, pages 52, 1495
 - SB 645, page 1412
 - HB 1002, pages 1786, 1810, 2023, 2024, 2048, Act no. 88-506

PARDONS AND PAROLES BOARD

- Appropriation—
 - SB 479, pages 498, 756
- Citizenship restored to certain criminals—
 - SB 498, page 588
- Intensive supervision program to be established, administration—
 - SB 475, pages 435, 904
- Parolees, violation of parole, time for holding without warrant extended—
 - SB 326, pages 150, 259, 413, 621, 642, 812, 854, 855

PARENTS

- Adoption laws, revised—
 - SB 684, pages 1461, 1577
- Home instruction as means of educating children, exempted from reporting, registering and physical education requirements—
 - SB 273, page 110
- Human resources department, authorized to investigate, as to ability to pay child support, authorized to require information from employers—
 - SB 543, pages 646, 905
- Human resources department, state parent locator, additional authority to locate parents and children, state agencies and employers required to provide information—
 - SB 544, pages 646, 905
- Legal guardians or parents of students, required to pick up report of grades from schools, boards of education to implement—
 - SB 380, page 249
- New, unpaid leave of absences—
 - SB 379, page 249

PARENTS ANONYMOUS

- Appropriation—
 - SB 631, pages 1410, 1499
 - HB 1003, pages 1598, 1810, 2023, 2024, 2025, 2048, Act no. 88-507

PARKS

State parks and park facilities development authority, established, to issue bonds—
SB 422, pages 295, 610

PEA RIVER HISTORICAL SOCIETY

Appropriation—
HB 993, pages 1609, 1809, 2168, 2171, 2173, 2175, 2177

PERSONAL PROPERTY

Tangible personal property, leasing of, proceeds diverted from special educational trust fund to general fund—
SB 613, page 783

Time shortened before sale of articles left for service allowed—
SB 431, pages 297, 456
HB 166, pages 602, 902

Unclaimed, disposition by state, sale and redemption of stocks and bonds, regulated—
HB 394, pages 1547, 1593, 2168, 2170, 2172, 2174, 2177

PESTICIDES

Registration, fee and penalties—
SB 417, pages 294, 409

Restricted-use permits, procedure for insurance—
SB 418, pages 294, 409

PHARMACISTS

Impaired professional commission, established, board of dental examiners and, regulated—
HB 434, pages 596, 751, 789, 1056, 1567, 1568, 1683, 1730, Act no. 88-334

Insurance, health, policies, pharmacy of choice, contracts must include—
HB 141, pages 255, 608, 680, 827, 1795, 1796, 1797, 1904, Act no. 88-379

PHYSICAL FITNESS COMMISSION

Appropriation—
SB 577, pages 724, 753
SB 636, pages 1411, 1496
HB 827, pages 818, 898, 988, 990, 991, 1338, 1390, 1391, 1455, Act no. 88-236
HB 1017, pages 1786, 1808, 2007, 2019, 2020, 2048, Act no. 88-509

Renamed commission on physical fitness and sports—
SB 420, pages 295, 672, 769, 932, 956

Transfer of duties from revenue department to state athletic commission and—
SB 547, pages 647, 1502

PHYSICAL THERAPY

Individual allowed direct access to therapists—
SB 551, page 719

Wallace state community college, physical therapy assistant program,
established at—
SB 628, page 1410

PHYSICIANS

Doctors, exempt from civil liability for statements regarding patients in
alcohol treatment programs if also in DUI school—
SB 401, pages 292, 751

Impaired physicians committee, created, to identify, intervene, and re-
habilitate physicians and osteopaths—
SB 155, pages 39, 304
HB 283, pages 287, 306, 2040, 2041, 2064, Act no. 88-536

Insurance policies and health certificates for coverage of health, accident
and sickness, to include tempormandibular and craniomandibular
treatments—
SB 438, pages 348, 609

Medicaid eligibility requirements, for pregnant women and children,
payments for health care by physicians and midwives, hospital
charges regulated—
SB 263, pages 108, 1515

Medical licenses, revocation of, not suspended pending review under
administrative procedure act—
SB 132, pages 34, 125, 218, 220, 222, 239, 530, 579, 584, Act no.
88-86

Mental health board, superintendent and, depositions permitted in civil
and criminal cases—
SB 175, pages 43, 401

National guard medical officer training corps, established, commission
on higher education to make grants to members of national guard
to attend medical school—
SB 617, page 784

Out-of-state, temporary permission to practice in Alabama—
SB 289, pages 113, 306
HB 193, pages 288, 306, 413, 622, 642, 812, 861, 862, 939, Act no.
88-223

Respiratory care act, board established, licenses required, fees—
SB 170, page 42

Rural health care initiatives, health care facilities, equipment and services
review, unlawful competition, regulated—
SB 456, page 387

PIPELINES

Facilities transporting hazardous liquids, facilities used in the liquefi-
cation of natural gas, public service commission to regulate—
SB 47, pages 17, 212, 413, 622, 642, 812, 861

PLANNING COMMISSIONS

Mayor allowed to appoint a person on, in his place—

SB 105, pages 29, 165, 218, 220, 222, 237, 797, 913, 1028, Act no. 88-215

PLUMBERS AND GAS FITTERS EXAMINING BOARD

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HB 655, pages 895, 1497, 2007, 2012, 2049, Act no. 88-511

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SB 622, pages 880, 1516

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SB 90, pages 26, 404, 454, 505, 525, 526, 784, 913, 1028, Act no. 88-132

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SB 77, pages 23, 357, 452, 504, 508, 731, 770, 773, Act no. 88-131

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SB 460, pages 388, 853, 904

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SB 155, pages 39, 304

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Election of county commissioners and board of education from districts, referendum—

SB 531, pages 643, 1505, 1639, 1675, 1676

Health, board of, authorized to set fees for services—

SB 592, pages 763, 1505, 1640, 1676, 1676, 2069, 2117, 2270, Act no. 88-558

DEKALB COUNTY (Continued)

Sheriff, tax assessor, tax collector and probate judge, to employ designated employees—

SB 605, pages 781, 1505, 1640, 1676, 1677, 1677

Tobacco tax levied—

SB 656, pages 1414, 1505, 1637, 1674, 1675, 1675

ELMORE COUNTY

Fire protection districts, assessments—

HB 1032, pages 1800, 1990, 2126, 2246, Act no. 88-620

Health, board of, authorized to set fees for services—

HB 1022, pages 1484, 1596, 1882, 1941, Act no. 88-440

Land, selling and redeeming for taxes, regulated—

HB 1055, pages 1952, 1989, 2122, 2245, Act no. 88-616

Mobile homes, registration and identification of—

HB 925, pages 1422, 1587, 1858, 1898, 1942, Act no. 88-443

Tallassee, corporate limits, altered—

HB 854, pages 1450, 1584, 1838, 1902, 1943, Act no. 88-446

ESCAMBIA COUNTY

Atmore, judge of probate, additional clerical assistants—

HB 266, pages 252, 760, 839, 938, Act no. 88-218

Beer or ale, sale of, in quart cans, authorized—

HB 441, page 353

County commission, chairman, election of—

HB 268, pages 253, 760, 840, 938, Act no. 88-220

Pistol permit fees, increased, distribution—

HB 267, pages 253, 760, 839, 840, 938, Act no. 88-219

Tax assessor and tax collector, additional clerical assistants for—

HB 319, pages 254, 760, 841, 842, 938, Act no. 88-222

Worthless checks, procedures for handling—

HB 269, pages 254, 760, 841, 938, Act no. 88-221

ETOWAH COUNTY

Constables, expense allowance, increased—

HB 58, pages 442, 907, 968, 969, 1083, Act no. 88-280

Gadsden, civil service board, members, meetings—

HB 59, pages 888, 1595, 1879, 1940, Act no. 88-434

Lodging tax, additional, levied—

HB 1038, pages 1953, 1993, 2153, 2244, Act no. 88-608

Probate court fee for mental health purposes—

HB 578, pages 1801, 1991, 2131, 2132, 2246, Act no. 88-623

Sports hall of fame, established—

HB 769, pages 1799, 1992, 2134, 2246, Act no. 88-622

FAYETTE COUNTY

Health, board of, authorized to set fees for services—

SB 591, pages 763, 1505, 1639, 1640, 1640, 2069, 2117, 2270, Act no. 88-557

Judge of probate, compensation and expense allowance—

HB 47, page 162

Judge of probate, compensation tied to circuit judge—

SB 555, pages 720, 907, 974, 1192, 1330, 1334, Act no. 88-276

Twenty-fourth judicial circuit, (Fayette, Lamar and Pickens counties), district attorney investigators, powers of arrest, granted—

HB 743, pages 886, 1508, 1651, 1665, Act no. 88-324

Twenty-fourth judicial circuit, (Fayette, Lamar, and Pickens counties), law enforcement fund, district attorney fees, distribution of—

HB 742, pages 893, 1582, 1830, 1906, Act no. 88-394

FRANKLIN COUNTY

Motor vehicles, casual sale of, sales and use tax on, levied for water authorities—

SB 665, pages 1415, 1506, 1644, 1645, 1645, 2065, 2117, 2271, Act no. 88-560

HB 917, pages 1442, 1586, 1854, 1910, Act no. 88-414

Tax assessor, to merge budgetary operations and functions of his office—

SB 672, pages 1417, 1514, 1673, 1674, 2069, 2118, 2270, Act no. 88-564

Tax assessor's and revenue commissioner's offices to be financed on a pro rata basis from ad valorem revenues—

HB 918, pages 1442, 1587, 1854, 1855, 1910, Act no. 88-415

Tobacco tax, levied—

SB 667, pages 1416, 1507, 1646, 1647, 1647, 2069, 2118, 2270, Act no. 88-562

HB 916, pages 1428, 1586, 1853, 1910, Act no. 88-413

GENEVA COUNTY

Coroner, expense allowance, increased—

HB 915, pages 1428, 1586, 1852, 1853, 1909, Act no. 88-406

County commission, additional expense allowance—

HB 919, pages 1429, 1587, 1855, 1910, Act no. 88-416

County commission, new election districts—

SB 442, pages 348, 901, 957

HB 545, pages 442, 901, 958, 1081, Act no. 88-288

Fortieth judicial circuit, (Geneva county), established, district attorney and circuit judgeships established—

SB 406, page 292

Health, board of, authorized to set fees for services—

HB 852, pages 1449, 1583, 1837, 1905, Act no. 88-392

GREENE COUNTY

Beer tax, uniform, distribution—

SB 670, pages 1417, 1514, 1672, 1673, 1673

HB 1042, pages 1924, 2000, 2159, 2160, 2247, Act no. 88-627

Clay, sand and gravel severance tax, levied—

HB 879, page 1438

Coroner, expense allowance—

HB 551, pages 599, 905, 961, 962, 1081, Act no. 88-287

Eutaw, corporate limits, altered—

SB 499, pages 588, 1419, 1636, 1637

HB 757, pages 1423, 1589, 1868, 1911

Gas and motor fuel tax, county commission, authority to levy—

HB 874, pages 1449, 1589, 1869, 1898, 1942, Act no. 88-442

Legislative delegation office, to share with Sumter county, cost provided—

HB 623, pages 596, 909, 982, 1083, Act no. 88-283

Seventeenth judicial circuit (Greene, Marengo and Sumter counties),
judge, compensation—

SB 682, pages 1460, 1591, 1882, 1883, 1883, 2235, 2251, 2271, Act
no. 88-645

HALE COUNTY

County offices, method of filling vacancies, altered, CA—

SB 262, page 108

Fourth judicial circuit (Hale, Bibb, Dallas, Perry and Wilcox counties),
additional circuit judgeship authorized—

SB 381, page 250

HENRY COUNTY

Health, board of, authorized to set fees for services—

SB 687, pages 884, 1507, 1649, 1665, Act no. 88-323

Revenue commissioner, compensation—

SB 690, pages 1462, 1580, 1820, 1821, 2233, 2251, 2271

HB 1051, pages 1926, 1992, 2152, 2245, Act no. 88-610

HOUSTON COUNTY

Class 5 municipality, mayor/commission/city manager form of govern-
ment—

SB 626, page 1409

HB 963, pages 1469, 1592, 1883, 1884, 1943, Act no. 88-445

Health, board of, authorized to set fees for services—

HB 559, pages 441, 901, 958, 959, 1081, Act no. 88-286

Judge of probate's office, documents filed in, additional filing fee—

HB 767, pages 1421, 1582, 1831, 1905, Act no. 88-470

Tobacco tax, levied, distribution of proceeds—

HB 768, pages 1448, 1583, 1832, 1905, Act no. 88-386

HOUSTON COUNTY (Continued)

Twentieth judicial circuit, (Houston county), circuit judges, district judges and district attorney, compensation—

SB 689, pages 1462, 1580, 1819, 1820, 1820, 2234, 2251, 2271

HB 1061, pages 1956, 1993, 2152, 2153, 2245, Act no. 88-612

JACKSON COUNTY

County engineer, selection and termination of—

HB 631, pages 596, 905, 963, 1080, Act no. 88-293

Economic development authority, TVA, payments from, altered—

HB 633, pages 594, 906, 963, 964, 1081, Act no. 88-292

Gasoline, excise tax on, levied—

HB 634, pages 604, 906, 964, 1081, Act no. 88-291

Health, board of, authorized to set fees for services—

SB 593, pages 763, 908, 974, 975, 1191, 1330, 1334, Act no. 88-274

Public park board members, may use park facilities in lieu of compensation—

SB 451, pages 386, 909, 980, 1192, 1330, 1334, Act no. 88-263

Racing commission, created, referendum—

SB 554, pages 719, 908, 932

Rescue squads, county contributions to, increased—

SB 606, pages 782, 908, 976, 1191, 1330, 1334, Act no. 88-273

JEFFERSON COUNTY

Bessemer division, assistant tax collector, chief deputy, authorized to appoint—

SB 558, pages 720, 1596

HB 792, pages 1431, 1511

Birmingham, parks and recreation board members, salary increase—

SB 372, pages 247, 825, 1622, 1624, 1702

HB 561, pages 790, 931

Birmingham, private contractors authorized to abate nuisances created by weeds without bid letting—

SB 548, pages 647, 930, 1627, 1628, 1629, 1703

HB 760, pages 1441, 1510

Birmingham, retirement system, loans to members, repayment and amount of interest, altered—

SB 375, page 248

Birmingham, retirement system, members in unclassified service option to join—

SB 376, pages 248, 824, 1618, 1619, 1620, 1702

HB 566, pages 792, 931

Birmingham, retirement system, payment of benefits during reemployment altered—

SB 371, pages 247, 825, 1621, 1622

HB 558, pages 606, 1509

Birmingham, retirement system, payment of disability allowance altered—

SB 374, pages 248, 825, 1625, 1629, 1631, 1702

HB 562, pages 790, 931

JEFFERSON COUNTY (Continued)

- Chief deputy sheriff, compensation—
 - SB 496, pages 588, 930, 1631, 1632, 1633, 1702
 - HB 728, pages 1443, 1510
 - HB 869, pages 1421, 1511
- Civil service system, certification of candidates to fill vacancies in classified service—
 - SB 373, pages 247, 825, 1624, 1625
- Civil service system, dismissals, demotions and suspensions under—
 - SB 458, pages 388, 1509
- Class 1 municipalities, brewed beverages regulated for retail restaurant beer licenses, to authorize sales and manufacturing—
 - SB 557, pages 720, 931, 1633, 1634, 1636, 1703
 - HB 727, pages 1419, 1510
- Class 1 municipalities, exempt from oil and gas tax—
 - SB 369, pages 247, 1509, 1656, 1657, 1657, 2233, 2250, 2271, Act no. 88-641
- Class 1 municipalities, planning commission members to serve on committee to approve or disapprove plats—
 - SB 476, pages 436, 826, 1625, 1626, 1626
- Class 1 municipalities, police and firefighters' retirement, minimum benefits, provided—
 - HB 684, pages 796, 1509
- Class 1 municipalities, racing commission designated primary law enforcement agency, confidentiality, enter contracts and cooperative agreements—
 - SB 568, pages 723, 932
- Class 1 municipalities, retirement or participant benefits and spouse's or survivor's benefits covered pursuant to pension and relief plans—
 - SB 477, pages 436, 826, 1626, 1627, 2234, 2250, 2271, Act no. 88-642
- County commission, authorized to hire administrative assistants, confidential secretaries, exempt from merit system—
 - SB 483, pages 498, 930
 - HB 697, pages 796, 1510
- County commission, required to provide office space for sheriff's department personnel—
 - SB 464, pages 389, 1596
 - HB 334, pages 602, 826, 1958, 1959
- Court referees, full-time, salary supplemental, altered—
 - HB 898, pages 1422, 1512
- Election officers, compensation increased—
 - SB 459, page 388
 - HB 491, pages 441, 826
- Health, board of, authorized to set fees for services—
 - SB 594, pages 764, 1596
 - HB 766, pages 894, 1511

JEFFERSON COUNTY (Continued)

Homewood, corporate limits, altered—
HB 725, pages 882, 1510

License tax, business, authorized to be imposed—
HB 771, page 892

Occupational diseases of police, payment for, by municipalities, required—
SB 535, page 644

Occupational or income tax on individuals, county commission prohibited from imposing—
HB 466, page 1436

Occupational tax, repealed—
HB 41, page 894
HB 449, page 892

Revenue commissioner, license commissioner, authorized to issue boat licenses by mail—
SB 536, pages 644, 931, 1633, 1633
HB 812, pages 1443, 1511

State fair authority, board of directors, membership increased to include legislative members—
SB 20, pages 12, 932, 1509, 1656, 1656, 1683, 1684, 1684, 1704

Tax collector's chief deputy, appointment and compensation—
SB 194, pages 46, 825, 1620, 1621
HB 591, pages 600, 1509

Zoning changes, mailing notification of, mailing, altered—
HB 698, pages 889, 1510

LAMAR COUNTY

Coroner, expense allowance, provided—
HB 849, pages 1439, 1583, 1836, 1905, Act no. 88-390

Health, board of, authorized to set fees for services—
SB 668, pages 1416, 1507, 1647, 1648, 2066, 2118, 2270, Act no. 88-563
HB 926, pages 1430, 1588, 1859, 1911, Act no. 88-420

Judge of probate, compensation tied to circuit judge—
SB 678, pages 1459, 1580, 1818, 1884, 2234, 2251, 2271
HB 48, page 162
HB 1039, pages 1927, 1993, 2154, 2244, Act no. 88-609

Twenty-fourth judicial circuit, (Lamar, Fayette, and Pickens counties), district attorney investigators, powers of arrest, granted—
HB 743, pages 886, 1508, 1651, 1665, Act no. 88-324

Twenty-fourth judicial circuit, (Lamar, Fayette, and Pickens counties), law enforcement fund, district attorney fees, distribution of—
HB 742, pages 893, 1582, 1830, 1906, Act no. 88-394

LAUDERDALE COUNTY

Barbers regulated by barbering commission—

SB 293, pages 144, 265, 310, 707, 771, 773, Act no. 88-144

Circuit clerk, compensation increased when circuit judge's compensation is increased—

SB 589, pages 762, 824, 920, 1333, 1337, 1456, Act no. 88-269

Voter reidentification—

HB 160, pages 160, 824, 923, 947, Act no. 88-225

LAWRENCE COUNTY

Health, board of, authorized to set fees for services—

HB 975, pages 1485, 1595, 1876, 1940, Act no. 88-437

Hillsboro, corporate limits, altered—

HB 872, pages 1432, 1584, 1839, 1840, 1909, Act no. 88-407

LEE COUNTY

Court costs, altered—

HB 880, pages 1440, 1584, 1841, 1909, Act no. 88-409

HB 883, pages 1451, 1585, 1844, 1845, 1909, Act no. 88-471

Court costs, circuit and district courts, levied, for juvenile court services fund, distribution—

HB 884, pages 1434, 1585, 1842, 1843, 1909, Act no. 88-472

Fire protection districts, charges for, authorized, CA—

HB 1034, pages 1957, 1990, 2127, 2243, Act no. 88-479

Fire protection districts, county commission authorized to levy charges in, referendum—

HB 1033, pages 1926, 1990, 2126, 2127, 2243, Act no. 88-597

Historical society and museum, appropriation—

HB 265, pages 852, 1813, 2168, 2169, 2171, 2171, 2173, 2173, 2175, 2176, 2177, 2178

HB 995, pages 1609, 1809, 2169, 2171, 2173, 2176, 2178

License inspector, office of, established, county commission to appoint—

HB 881, pages 1441, 1584, 1841, 1842, 1909, Act no. 88-474

Mobile homes, registration fee, increased—

HB 882, pages 1450, 1584, 1840, 1909, Act no. 88-410

Opelika, corporate limits, altered—

SB 688, pages 1462, 1581, 1821, 1821, 2233, 2251, 2271, Act no. 88-647

HB 1059, pages 1954, 1991, 2131, 2247

Sales tax, additional, county commission, authorized to levy—

HB 886, pages 1434, 1585, 1846, 1847, 1908, Act no. 88-400

LIMESTONE COUNTY

Deputy sheriff, chief, salary altered—

HB 892, pages 1438, 1585, 1844, 1909, Act no. 88-411

Police jurisdiction, municipal, shall not extend beyond corporate limits of municipality, CA—

HB 987, pages 1483, 1581, 1824, 1825, 1907, Act no. 88-306

LIMESTONE COUNTY (Continued)

Thirty-ninth judicial circuit, (Limestone county), district judge, salary supplement—

SB 493, pages 587, 824, 926, 1333, 1337, 1456, Act no. 88-270

Thirty-ninth judicial circuit, (Limestone county), optional allowance for district attorney—

HB 893, pages 1439, 1585, 1845, 1910, Act no. 88-412

LOWNDES COUNTY

County officers, method of filling vacancies, altered, CA—

SB 259, pages 107, 909, 981, 982, 1333, 1337, 1456, Act no. 88-230

Gas and motor fuel tax, to be levied by county commission, authority granted—

SB 540, pages 645, 909, 981, 1333, 1337, 1456, Act no. 88-267

HB 875, pages 1438, 1584, 1843, 1909, Act no. 88-408

MADISON COUNTY

Animal control shelter program, authorized—

SB 615, pages 783, 1506, 1641, 1642, 1642

HB 984, pages 1445, 1589, 1867, 1868, 1912, Act no. 88-424

County commission, regulate animals running at-large—

SB 590, page 763

Court costs levied—

SB 473, pages 435, 908, 979

Education, board of, expense allowance—

SB 674, pages 1459, 1591, 1873, 1874, 1947, 2258, 2259, 2271, Act no. 88-650

Election officials, compensation, increased—

SB 687, pages 1461, 1591, 1875, 1875, 2233, 2251, 2271, Act no. 88-646

HB 1056, page 1951

Five-unit road system, county engineer, referendum—

HB 978, pages 1950, 2000

Huntsville, corporate limits altered—

SB 651, pages 1413, 1505, 1637, 1637, 2233, 2250, 2271, Act no. 88-643

Optimists boys center, incorporated, exempt from local ad valorem taxes—

HB 544, pages 892, 1581, 1826, 1904, Act no. 88-380

Probate judge, paid seventy percent of circuit judge's salary—

HB 734, pages 887, 1582, 1829, 1906, Act no. 88-395

Records, storage of, authorized in county—

SB 246, pages 104, 307, 364, 886, 954, 1172, Act no. 88-257

Twenty-third judicial circuit, (Madison county), additional district judgeship, created—

SB 178, pages 44, 128, 213, 360, 369, 370

Twenty-third judicial circuit, (Madison county), circuit judges retirement, altered—

SB 173, pages 43, 410, 459, 1952, 1988, 2112, Act no. 88-541

MADISON COUNTY (Continued)

Twenty-third judicial circuit, (Madison county), court costs increased for jury parking—

SB 480, pages 498, 909, 979, 980, 1424, 1519, 1570, Act no. 88-302

Twenty-third judicial circuit, (Madison county), court reporter, salary supplement—

SB 315, pages 148, 410, 460, 1423, 1518, 1570, Act no. 88-301

Twenty-third judicial circuit, (Madison county), supernumerary court reporter, salary supplement—

SB 233, pages 101, 410, 459, 460, 1423, 1518, 1570, Act no. 88-299

MARENGO COUNTY

Seventeenth judicial circuit (Marengo, Greene and Sumter counties), judge, compensation—

SB 682, pages 1460, 1591, 1882, 1883, 1883, 2235, 2251, 2271, Act no. 88-645

MARION COUNTY

Motor vehicles, casual sales of, sales and use tax on, to be used for county water system—

HB 721, pages 1431, 1582, 1828, 1906, Act no. 88-397

Tobacco tax, levied—

SB 666, pages 1416, 1507, 1645, 1646, 1646, 2068, 2118, 2270, Act no. 88-561

HB 1030, pages 1798, 1990, 2124, 2246, Act no. 88-619

Water authority, created, CA—

SB 680, pages 1460, 1580, 1819, 1884, 2234, 2250, 2271, Act no. 88-480

MARSHALL COUNTY

Albertville, ad valorem tax for public schools—

SB 659, pages 1414, 1506, 1644, 1644

HB 957, pages 1443, 1508, 1655, 1728, Act no. 88-304

Albertville, members of utilities board, compensation—

SB 658, pages 1414, 1506, 1642, 1643

HB 958, pages 1444, 1588, 1863, 1913, Act no. 88-429

Branch banks, authorized—

SB 607, pages 782, 1506, 1640, 1641, 1641, 2070, 2117, 2270, Act no. 88-579

Health, board of, authorized to set fees for services—

SB 618, pages 784, 1506, 1643, 1643, 2070, 2117, 2270, Act no. 88-559

Liquor, wholesale price of, additional tax, levied—

HB 1027, pages 1802, 1990, 2123, 2245, Act no. 88-617

Tax assessor office, motor vehicle licensing division, established, compensation—

HB 921, pages 1420, 1587, 1856, 1910, Act no. 88-417

MOBILE COUNTY

- Ad valorem tax for public schools—
 - SB 559, pages 721, 901, 960, 1435, 1519, 1570, 1974, 1975
 - HB 891, pages 1444, 1513, 1669, 1730, Act no. 88-305
- Ad valorem tax, increase, distribution of, altered, CA—
 - HB 962, pages 1547, 1994
- Boat registration, mailing for, license commissioner, required—
 - HB 752, pages 1426, 1513, 1668, 1730, Act no. 88-331
- Clerks and registers, supernumerary, supplemental compensation, provided—
 - HB 433, pages 1425, 1513, 1667, 1730, Act no. 88-330
- County commission to levy additional privilege license tax, excise tax, ad valorem tax, sales and use taxes with or without referendum approval—
 - SB 391, pages 251, 615, 680, 681, 706
 - HB 553, pages 605, 676, 711, 712, 744, 779, Act no. 88-156
- Deposit of interest on county funds, altered—
 - SB 546, pages 647, 901, 959, 1192, 1330, 1334, Act no. 88-264
- Forensic sciences department, Mobile city chemists transferred to, procedure, benefits—
 - SB 562, page 721
 - HB 813, pages 1480, 1999, 2157, 2158, 2247, Act no. 88-628
- Funds, investment of county and municipal, altered, CA—
 - SB 654, pages 1413, 1512
- Industrial parks authority, established to issue bonds—
 - HB 1040, pages 1947, 1994, 2180, 2247, Act no. 88-626
- Investments, local governing bodies authorized to make, CA—
 - HB 781, pages 1420, 1513, 1669, 1670, 1731, Act no. 88-297
- Law enforcement and firefighters' pension fund, retired school traffic officers to participate—
 - SB 390, page 251
- Mobile city federation of women's clubs, incorporated, tax exempt—
 - SB 560, pages 721, 902, 961, 1191, 1330, 1334, Act no. 88-275
- Municipalities, class 2, weed eradication—
 - HB 432, pages 1426, 1512, 1666, 1667, 1729, Act no. 88-329
- Prichard, water and sewer board, pension and retirement system, altered—
 - SB 673, pages 1417, 1512, 1657, 1658, 2067, 2118, 2270
 - HB 1020, pages 1953, 1994, 2159, 2248, Act no. 88-629
- Solid waste management advisory board, residential rate, increased, vacancies on board, regulated—
 - HB 765, pages 1488, 1590, 1873, 1911, Act no. 88-421
- Thirteenth judicial circuit, (Mobile county), additional judgeship created—
 - SB 402, pages 292, 665, 983, 984, 985

MOBILE COUNTY (Continued)

Thirteenth judicial circuit, (Mobile county), assistant district attorneys, appointment, duties and compensation—

SB 669, pages 1417, 1512, 1665, 1666, 1666

HB 949, pages 1468, 1590, 1872, 1912, Act no. 88-423

MONROE COUNTY

Ad valorem taxation, additional, distribution to fire districts and rescue squads, CA—

HB 669, pages 604, 906, 965, 1084, Act no. 88-160

Thirty-fifth judicial circuit (Monroe and Conecuh counties), court reporter, county retirement system, authorized to join—

HB 976, pages 1486, 1589, 1866, 1913, Act no. 88-473

MONTGOMERY COUNTY

City of, holidays for city employees—

HB 848, pages 1928, 1992, 2134, 2135, 2246, Act no. 88-625

County administrator and assistant county administrator, appointment of, duties, compensation—

HB 811, page 1954

Fifteenth judicial circuit, (Montgomery county), additional circuit judgeship created, appropriation—

SB 502, page 589

Health, board of, authorized to set fees for services—

HB 937, pages 1927, 1992, 2135, 2246, Act no. 88-624

Probate judge, compensation based on ninety percent of presiding circuit judge, effective next term—

SB 355, pages 201, 824, 924, 952, 1963, 1988, 2112, Act no. 88-546

Registrars, board of, compensation, increased—

HB 668, pages 1424, 1594, 1875, 1876, 1940, Act no. 88-435

Retirement system, audit of, authorized—

HB 790, pages 1425, 1595, 1877, 1940, Act no. 88-436

MORGAN COUNTY

East Morgan county industrial development board, created, funded from five percent of TVA payments made in lieu of taxes—

SB 652, pages 1413, 1505, 1638, 1639, 1703, 2065, 2117, 2271, Act no. 88-580

HB 1028, pages 1955, 1992, 2136, 2246

Hartselle, corporate limits, altered—

HB 128, pages 298, 907, 970, 1083, Act no. 88-279

Health, board of, authorized to set fees for services—

HB 981, pages 1487, 1589, 1867, 1912, Act no. 88-425

License commissioner, expense allowance—

SB 675, pages 1459, 1591, 1874, 1875, 2234, 2251, 2271, Act no. 88-644

HB 1041, pages 1954, 1992, 2136, 2137, 2245

Licenses, motor vehicle, boat, business, mailing of, authorized, fee increase—

HB 621, pages 798, 1507, 1648, 1665, Act no. 88-322

MORGAN COUNTY (Continued)

Sheriff's posse, county commission authorized to grant money to, CA—
HB 772, pages 1436, 1583, 1833, 1834, 1907, Act no. 88-307

PERRY COUNTY

County officers, method of filling vacancies, altered, CA—
SB 257, pages 107, 1514, 1671, 1672, 1672, 2069, 2119, 2271, Act
no. 88-477

Forest fire assessment, increased—
HB 855, pages 1448, 1589, 1871, 1912, Act no. 88-422

Fourth judicial circuit (Perry, Bibb, Dallas, Hale and Wilcox counties),
additional circuit judgeship authorized—
SB 381, page 250

PICKENS COUNTY

County commission, levy sales tax, distribution to hospital, referendum—
SB 396, page 291
HB 550, pages 398, 456, 502, 503, 511, Act no. 88-79

Twenty-fourth judicial circuit, (Pickens, Fayette and Lamar counties),
district attorney investigators, powers of arrest, granted—
HB 743, pages 886, 1508, 1651, 1665, Act no. 88-324

Twenty-fourth judicial circuit, (Pickens, Fayette and Lamar counties),
law enforcement fund, district attorney fees, distribution of—
HB 742, pages 893, 1582, 1830, 1906, Act no. 88-394

PIKE COUNTY

County unit system, adopted, revenue commissioner, established, CA—
HB 894, pages 1446, 1585, 1847, 1848, 1907, Act no. 88-308

Registrars, board of, expense allowance, altered—
HB 844, pages 1439, 1583, 2001, 2011, Act no. 88-533

RANDOLPH COUNTY

Health, board of, authorized to set fees for services—
HB 857, pages 885, 1508, 1652, 1653, 1729, Act no. 88-328

Probate judge, removed from fee basis and placed on salary—
SB 681, pages 1460, 1595, 1877, 1878, 1878
HB 1031, pages 1799, 1990, 2125, 2244, Act no. 88-606

RUSSELL COUNTY

Coroner, expense allowance, county commission authorized to establish—
HB 758, pages 1437, 1582, 1830, 1831, 1906, Act no. 88-393

Phenix City, mayor and city council, salary increase—
HB 759, pages 1437, 1582, 1833, 1904, Act no. 88-385

SHELBY COUNTY

Beer, draft or keg, sale of, authorized—
HB 964, pages 1434, 1589, 1865, 1866, 1913, Act no. 88-314

Eighteenth judicial circuit (Shelby, Clay, and Coosa counties), eastern
and western divisions, established—
SB 366, pages 245, 668

SHELBY COUNTY (Continued)

Judgeship, additional district, authorized—

SB 332, pages 196, 400

Pension increase for retired county employees—

SB 566, pages 722, 908, 975, 1333, 1337, 1456, Act no. 88-268

Public library districts, service charge levied, referendum—

SB 341, pages 198, 410, 462, 889, 954, 1172, Act no. 88-258

HB 564, pages 599, 905, 962, 1082

Tobacco tax, county commission authorized to levy—

HB 803, pages 1424, 1583, 1835, 1836, 1905, Act no. 88-389

Wilton, corporate limits, altered—

SB 322, pages 149, 410, 461, 889, 954, 1172, Act no. 88-256

ST. CLAIR COUNTY

Conveyances, grantee, mailing address of, required to appear on—

HB 126, pages 159, 824, 921, 947, Act no. 88-224

Sales tax, county commission, authorized to levy—

HB 1029, pages 1804, 1990, 2124, 2246, Act no. 88-618

Tax assessor and tax collector offices, combined into office of revenue commissioner—

HB 127, pages 161, 824, 922, 1080, 1084, 1548, 1663, Act no. 88-316

SUMTER COUNTY

Coroner, expense allowance—

HB 756, pages 794, 1514, 1674, 1730, Act no. 88-332

County officers, method of filling vacancies, altered, CA—

SB 663, pages 1415, 1514, 1671, 1671, 2069, 2119, 2271, Act no. 88-478

Gas and motor fuel, tax to be levied by county commission—

SB 519, pages 625, 908, 978

HB 873, pages 1448, 1589, 1870, 1898, 1943, Act no. 88-444

Legislative delegation office, to share cost with Greene county—

HB 623, pages 596, 909, 982, 1083, Act no. 88-283

Seventeenth judicial circuit (Sumter, Marengo and Greene counties), judge, compensation—

SB 682, pages 1460, 1591, 1882, 1883, 1883, 2235, 2251, 2271, Act no. 88-645

TALLADEGA COUNTY

Civil service system, established—

HB 977, pages 1483, 1595, 1880, 1881, 1940, Act no. 88-438

Court costs, additional, county jail, for construction of, CA—

HB 910, pages 1485, 1595, 1880, 1941, Act no. 88-310

Lincoln, corporate limits, altered—

SB 685, pages 1461, 1595, 1878, 1879, 2264, 2267, 2271, Act no. 88-664

HB 1057, pages 1952, 1990, 2122, 2123, 2245

TALLADEGA COUNTY (Continued)

Sylacauga, corporate limits, altered—

HB 1047, pages 1950, 1989, 2120, 2121, 2245, Act no. 88-614

Sylacauga, utilities board, compensation of—

HB 718, pages 886, 1582, 1827, 1906, Act no. 88-398

TALLAPOOSA COUNTY

County commission chairman, judge of probate to relinquish duties as, rotation provided—

HB 142, pages 162, 675, 707, 708, 743, 780, Act no. 88-157

County commission, full or part time, referendum—

HB 143, pages 163, 675, 709, 738, Act no. 88-119

Property, surplus, county commission required to auction—

HB 144, pages 163, 675, 709, 710, 738, Act no. 88-120

Tallassee, corporate limits, altered—

HB 854, pages 1450, 1584, 1838, 1902, 1943, Act no. 88-446

Unit system, established—

HB 437, pages 393, 675, 710, 738, Act no. 88-121

TUSCALOOSA COUNTY

Firefighters, overtime pay and compensatory leave—

HB 164, pages 252, 1418, 1558, 1663, Act no. 88-317

Registrars, board of, meeting days—

SB 118, pages 32, 455

Tuscaloosa, city of, special police officers, retirement plan—

HB 786, pages 1432, 1583, 1835, 1905, Act no. 88-388

WALKER COUNTY

Ad valorem tax, additional, for school districts, levied, referendum—

SB 202, pages 49, 265, 309, 707, 771, 876, Act no. 88-97

HB 399, pages 394, 1418, 1560, 1663, Act no. 88-318

Election officials, additional expense allowance, allowed—

HB 174, pages 164, 303, 361, 362, 378, Act no. 88-69

Health, board of, authorized to set fees for services—

HB 176, pages 164, 907, 970, 1083, Act no. 88-278

Sipsey, corporate limits, altered—

HB 682, pages 893, 1419, 1561, 1664, Act no. 88-320

WASHINGTON COUNTY

Health, board of, authorized to set fees for services—

HB 731, pages 791, 906, 966, 1081, Act no. 88-289

WILCOX COUNTY

County officers, method of filling vacancies, altered, CA—

SB 258, pages 107, 907, 973, 1333, 1337, 1456, Act no. 88-229

Fourth judicial circuit (Wilcox, Bibb, Dallas, Hale and Perry counties),
additional circuit judgeship authorized—

SB 381, page 250

WINSTON COUNTY

Boundaries altered—

SB 653, page 1413

RESOLUTIONS

1988 REGULAR SESSION

RESOLUTION, CONDOLENCE

- Bass, mr. William Franklin, of Huntsville, death mourned—
SR 179, page 1542
- Blackwell, mrs. Margaret Ann Bevill, of Wakefield, death mourned—
HJR 67, pages 157, 191, Act no. 88-31
- Brooks, mr. Jesse R., of Huntsville, death mourned—
SR 117, page 678
- Brown, mr. Howard Frank, of Auburn, death mourned—
SR 232, page 2181
- Bugg, mr. Bill K., of Gadsden, death mourned—
HJR 6, pages 123, 173, Act no. 88-10
- Butler, mr. John G., of New Hope, death mourned—
SR 55, page 309
- Character, mr. Hofford Curtis, of Gadsden, death mourned—
HJR 9, pages 123, 173, Act no. 88-8
- Clark, mrs. Marie Kendall, of Eufaula, death mourned—
SJR 109, pages 654, 745, 772, 773, Act no. 88-146
HJR 269, pages 808, 937, Act no. 88-196
- Clikas, mr. Steve, of Mobile, death mourned—
SR 235, page 2241
- Delchamps, mr. Oliver Harris, of Mobile, death mourned—
HJR 51, pages 116, 175, Act no. 88-29
- Eubanks, mr. Howard, of Pell City, death mourned—
HJR 173, pages 661, 703, Act no. 88-124
- Folsom, governor James Elisha, of Cullman, death mourned—
SJR 65, pages 362, 531, 579, 584, Act no. 88-93
SJR 94, pages 458, 531, 580, 584, Act no. 88-92
- Fritz, mr. Roger Emerson, of Mobile, death mourned—
HJR 251, pages 809, 937, Act no. 88-195
- Gaines, mr. Harold A., of Birmingham, death mourned—
SR 30, page 139
- Gloor, mr. Thomas Wayne, of Bessemer, death mourned—
HJR 206, pages 649, 683, Act no. 88-104
- Hamm, dr. Phillip J., of Elba and Dothan, death mourned—
SJR 136, pages 767, 1194, 1331, 1334, Act no. 88-249
- Hammons, mr. Thomas Lee, of Limestone county, death mourned—
SR 62, page 360
- Howard, mr. Carlin Glenn, of Sheffield, death mourned—
SR 103, page 522

RESOLUTION, CONDOLENCE (Continued)

- Johnson, mr. John B., of Montgomery, death mourned—
SJR 209, pages 1914, 2107, 2119, 2270, Act no. 88-565
HJR 483, pages 1986, 2011, Act no. 88-532
- Kyser, mr. Philip Jefferson, of Demopolis, death mourned—
SJR 176, pages 1540, 1900, 1944, 1983, Act no. 88-457
- Layfield, mr. Claude Blanchard, jr., of Dadeville and Auburn, death mourned—
HJR 36, pages 117, 174, Act no. 88-23
- Little, mrs. Johnnie Dee Riley, of Auburn, death mourned—
SJR 4, pages 5, 118, 152, 194, Act no. 88-6
- Manolakis, mrs. Katherine, of Birmingham, death mourned—
SR 237, page 2252
- May, mr. James L., jr., of Mobile, death mourned—
HJR 352, pages 1531, 1661, Act no. 88-367
- May, mr. Philip T., of Brewton, death mourned—
HJR 394, pages 1522, 1661, Act no. 88-360
- McMahan, mrs. Patricia Hudgins, of Montgomery, death mourned—
HJR 80, pages 258, 2075, 2239, Act no. 88-571
- McMinn, mr. A. F., of Cullman, death mourned—
SJR 132, pages 737, 746, 773, 773, Act no. 88-154
- Morgan, mr. S. Marvin, of Sheffield, death mourned—
SR 98, page 509
- Moxley, mr. Steve, of Huntsville, death mourned—
SR 10, page 8
- Radford, mayor James S., of Hartford, death mourned—
SR 20, page 133
- Richardson, mr. Creel, of Ariton, death mourned—
HJR 157, pages 648, 683, Act no. 88-100
- Rollings, rev. A. J., of Athens, death mourned—
SR 23, page 134
- Seay, rev. Solomon Snowden, of Montgomery, death mourned—
HJR 419, pages 1524, 1660, Act no. 88-346
- Spears, mrs. Dorothy T., of Birmingham, death mourned—
HJR 170, pages 660, 703, Act no. 88-109
- Taylor, miss Leslie Jordan, of Fort Payne, death mourned—
HJR 27, pages 119, 174, Act no. 88-22
- Thomas, mr. Allen G., of Tuskegee, death mourned—
SJR 164, pages 1531, 1899, 1944, 1984, Act no. 88-447
- Thompson, mr. R. Wayne, of Dadeville, death mourned—
HJR 58, pages 156, 191, Act no. 88-33
- Turner, miss Jonna, of Citronelle, death mourned—
HJR 348, pages 1529, 1661, Act no. 88-363

RESOLUTION, CONDOLENCE (Continued)

Vacca, sen. Paschal Patrick, of Tarrant, death mourned—
SJR 6, pages 7, 118, 152, 194, Act no. 88-5

Wadsworth, mrs. Mary Newell, of Prattville, death mourned—
SJR 198, pages 1614, 1901, 1946, 1983, Act no. 88-467

Walker, mrs. Marie, of Montgomery, death mourned—
HJR 408, pages 1520, 1659, Act no. 88-341

Watson, mrs. Mary McLaughlin, of Mobile, death mourned—
HJR 40, pages 117, 175, Act no. 88-25

Yarbrough, mr. Ed, of Centre, death mourned—
SJR 22, pages 133, 256, 268, 288, Act no. 88-51

Yarbrough, mr. George Washington, of Mobile, death mourned—
SJR 97, pages 505, 532, 580, 584, Act no. 88-91

RESOLUTION, CONGRATULATORY

Aaron, mr. S. Carl, of Dime community, commended for outstanding professional contribution and achievement as an environmentalist with the state health department—
SR 100, page 518

Abbott, mr. Kenneth, of Jasper, commended for outstanding professional achievement in the teaching profession—
SR 58, page 316

Adams, captain Jesse, commended upon retirement from the department of conservation and natural resources—
HJR 135, pages 392, 423, Act no. 88-75

Alabama college system outstanding students, recognized—
HJR 368, pages 1528, 1660, Act no. 88-352

Alabama leadership network commended for its being the first such organization in the south, A-team day, named—
HJR 367, pages 1529, 1660, Act no. 88-351

Alabama state university, jazz extravaganza, commended for bringing great talents to Alabama—
SJR 174, pages 1538, 1900, 1945, 1983, Act no. 88-455

Alatex, Andalusia plant, of Covington county, commended for outstanding achievement—
SR 51, page 266

Albertville high school football team, and coach Conrad Nix, commended for 1987 season—
SR 238, page 2258

Albertville high school varsity cheerleaders and sponsor Wanda Howard, commended for placing first in national cheerleading association competition in Dallas—
SR 227, page 2053

Aliceville high school girls' basketball team commended on their 1988 season—
HJR 434, pages 1610, 1664, Act no. 88-375

RESOLUTION, CONGRATULATORY (Continued)

Allen, mr. C. D., welcomed back to Alabama—
SR 21, page 133

Arson awareness week and Alabama association of arson investigators
commended—
SR 173, page 1537

Ashcraft, mayor James H., commended as Reform chamber of commerce
"citizen of the year" for 1988—
HJR 312, pages 801, 936, Act no. 88-184

Athens high school band commended as representatives for Alabama at
the fiesta bowl in Phoenix, Arizona—
SR 61, page 360

Auburn high school concert band commended for distinguished achieve-
ment—
SJR 123, pages 679, 745, 772, 773, Act no. 88-150

Auburn university football team commended as 1987 southeastern con-
ference football champions and S.E.C. host team in 1988 sugar bowl
classic—
HJR 63, pages 155, 192, Act no. 88-37

Auburn university-Montgomery basketball team, and coach Larry F.
Chapman, commended for their national ranking in the NAIA
national tournament—
HJR 296, pages 804, 936, Act no. 88-181

Auburn university and university of Alabama commended for resolving
the annual iron bowl classic football game, and establishing the
state legislative highway commission to approve all long-range plans
and programs of the highway department—
SJR 205, page 1658

Auburn university women's basketball team commended for outstanding
achievement—
HJR 505, pages 2161, 2242, Act no. 88-631

Bell, mr. John, of Sidney Lanier high school, of Montgomery, commended
as the recipient of the outstanding educator award as secondary
teacher of the year 1987-1988—
HJR 285, pages 807, 936, Act no. 88-179

Bishop, mr. David Ed, of Fairhope, commended for distinguished com-
munity service—
HJR 351, pages 1531, 1661, Act no. 88-366

Blalock, mrs. Pat Swift, of Selma, commended for distinguished service
to the Selma public library—
HJR 439, pages 1969, 2010, Act no. 88-523

Boeing company and national aeronautics and space administration,
commended for role in developing America's space station—
HJR 168, pages 660, 715, 739, Act no. 88-122

Boeing company commended for being awarded space station contract
by NASA—
SR 9, page 8

RESOLUTION, CONGRATULATORY (Continued)

Boland, rev. Raymond J., of Birmingham, commended on his Episcopal ordination and installation as second bishop of the Birmingham diocese—

SJR 192, pages 1559, 1901, 1945, 1983, Act no. 88-463

Boley, mr. Carl, of Sheffield, commended on his distinguished educational career—

SR 153, page 917

Bolton, mr. Scott, of Theodore, commended for outstanding football career—

SR 18, page 132

Boren, mr. Fred, of Hayden, commended for outstanding community and public service—

SJR 40, pages 179, 256, 269, 288, Act no. 88-60

Bourguin, mr. S. B., of Durban, South Africa, commended for his voluntary service to senators Ellis and Dixon during their visit to South Africa—

SR 188, page 1554

Boy scout troop 18, of Carrollton, commended for outstanding service to the community—

HJR 230, pages 805, 935, Act no. 88-169

Bozeman, mr. James, of Robert E. Lee high school in Montgomery, commended as the recipient of an outstanding educator award as secondary administrator of the year, 1987-1988—

HJR 283, pages 805, 936, Act no. 88-177

Bradford, mr. William C., of Huntsville, commended for distinguished service and contributions to our nation's space program—

SJR 156, pages 945, 1193, 1331, 1334, Act no. 88-253

Brookshire, mr. John B., jr., of Guntersville, commended for professional achievement and community service—

SJR 127, pages 715, 746, 773, 773, Act no. 88-152

Brown, mr. Leo, of Mobile, commended for outstanding service in field of education—

HJR 20, pages 121, 174, Act no. 88-17

Bruce, mr. Aundray, of Montgomery, commended for recognition as the NFL's first draft choice—

SJR 175, pages 1539, 1900, 1945, 1984, Act no. 88-456

Brymer, mrs. Mariah Bradford, of Rockford, commended for distinguished service with the Alabama cooperative extension service, Auburn university—

SJR 228, pages 2163, 2240, 2256, 2271, Act no. 88-593

Burger, mrs. Martha, of Athens, commended for distinguished community service—

SR 73, page 411

Byrd elementary school odyssey of the mind team commended for receiving top honors in state competition—

HJR 442, pages 1968, 2010, Act no. 88-526

RESOLUTION, CONGRATULATORY (Continued)

- Byrd, Tim, of Birmingham, commended on attaining the rank of eagle scout—
SR 206, page 1668
- Causey, mr. William Byron, of Alexander City, commended for service to community and his profession—
HJR 468, pages 1970, 2009, Act no. 88-519
- Cedar Park/Edgewood elementary school odyssey of the mind team commended for top honors in state competition—
HJR 441, pages 1968, 2010, Act no. 88-525
- Chambers, mr. and mrs. McKinnely, of Kilpatrick, commended on their 63rd wedding anniversary—
HJR 353, pages 1531, 1661, Act no. 88-368
- Chapman, coach Larry F., and Auburn university-Montgomery basketball team, commended for their national ranking in the NAIA national tournament—
HJR 296, pages 804, 936, Act no. 88-181
- Chavala high school basketball team and coach Mario Cumberlander, congratulated on their championship basketball season—
SJR 159, pages 984, 1193, 1331, 1334, Act no. 88-255
- Cherokee county area vocational school commended for outstanding achievement—
SJR 52, pages 308, 531, 579, 584, Act no. 88-94
- Chinese agribusiness delegation commended and welcomed to Alabama—
HJR 373, pages 1525, 1660, Act no. 88-353
- Chocolocco Community commended on their anniversary celebration—
HJR 410, pages 1523, 1659, Act no. 88-342
- Clark, coach DeWayne, of Alabama school for the deaf, commended for outstanding contributions to athletic program—
SR 16, page 95
- Clark, coach William Harold, of Prichard's Vigor high school, commended as Alabama's 6A coach of the year—
HJR 114, pages 355, 377, Act no. 88-64
- Clark, mr. Robert Russell, of Auburn university, commended for 41 years of distinguished service—
HJR 174, pages 661, 703, Act no. 88-110
- Clarke county high school quiz bowl team commended for winning the 1988 Alabama state quiz bowl championship—
HJR 460, pages 1969, 2009, Act no. 88-517
- Clifton, coach Brent, and West End high school football team, commended for outstanding 1987 season—
HJR 330, pages 882, 948, Act no. 88-201
- Coates, mrs. Lois Walker, of Huntsville, commended for outstanding community service—
SR 120, page 678

RESOLUTION, CONGRATULATORY (Continued)

Cole, miss Alicia, of Wetumpka, commended as the United States' student ambassador to the Soviet Union—

SJR 215, pages 1986, 2107, 2119, 2271, Act no. 88-566

SR 216, page 1987

Coleman, rev. and mrs. Ted, of Haleyville, commended on their 50th wedding anniversary—

HJR 336, pages 880, 948, Act no. 88-207

Collins, mr. W. R., of Huntsville, commended for outstanding professional achievement and involvement—

SR 42, page 214

Compton, mr. A. W., jr., of Nanafalia, commended for distinguished service to the cattle industry—

SJR 168, pages 1534, 1899, 1945, 1983, Act no. 88-451

Cornelius, mr. Jonathan Reid, of Thomasville, commended as an exemplary scholar and athlete—

SJR 167, pages 1533, 1899, 1944, 1983, Act no. 88-450

Cramer, mr. Robert E., jr., of Madison county, commended as recipient of the president's child safety partnership award—

HJR 23, pages 118, 174, Act no. 88-20

Crawford, mr. Jeff, commended for outstanding service to north Alabama emergency medical services—

SR 37, page 171

Culbreath, ms. Autice, of Huntsville, commended for distinguished teaching career—

SR 53, page 308

Cumberlander, coach Mario, and Chavala high school basketball team, commended on their championship basketball season—

SJR 159, pages 984, 1193, 1331, 1334, Act no. 88-255

Davis, mr. Lloyd Houston, of Chambers county, commended on 80th birthday for lifetime achievements—

SR 239, page 2259

Decatur and Bucheon city in the Republic of Korea commended for establishing a "sister city" relationship—

SJR 69, pages 374, 531, 580, 584, Act no. 88-96

Dennis, mrs. Faye, of Guin, commended as Marion county secondary teacher of the year for 1987-1988—

SR 137, page 768

Dickmann, miss Lisa Delaine, of Springville, commended as "miss St. Clair county"—

HJR 140, pages 391, 424, Act no. 88-77

Donald, mr. Floyd L., of Gadsden, commended for outstanding community service—

HJR 362, pages 1520, 1662, Act no. 88-370

Donaldson, mr. Fred, of Enterprise, commended for distinguished achievement and service—

HJR 428, pages 1521, 1660, Act no. 88-348

RESOLUTION, CONGRATULATORY (Continued)

- Douglass, coach Gerald D., of Sylacauga high school, commended for outstanding achievement and contributions to the athletic program—
SR 170, page 1536
- Dunn, mr. Charles Johnson, of Montgomery, commended for outstanding contributions—
HJR 388, pages 1526, 1661, Act no. 88-358
- DuPree, mrs. Mary Bryant, of Monticello, Sullivan county, New York, and native of Newbern, Alabama, commended for achievement in field of education—
HJR 156, pages 437, 513, Act no. 88-84
- Duryea, mr. and mrs. Clarence W., jr., of Bay Minette, commended for being named "citizen of the year"—
HJR 452, pages 1970, 2009, Act no. 88-516
- Dyer, master Clay, of Hamilton, commended for outstanding achievement—
HJR 219, pages 657, 703, Act no. 88-115
- Edwards, congressman Jack, commended as 1987 Mobilian of the year—
SJR 145, pages 814, 1193, 1331, 1334, Act no. 88-250
- Elkins, mr. Larry, of Ardmore, commended as north Alabama emergency technician of the year—
SR 36, page 171
- Elmore county high school football team commended as 1987 state 4A champions—
SJR 29, pages 136, 257, 269, 288, Act no. 88-54
HJR 109, pages 355, 377, Act no. 88-63
- Etowah county voters league commended for 50 years of service—
HJR 207, pages 650, 683, Act no. 88-105
- Etowah high school basketball team commended for outstanding 1988 season—
HJR 331, pages 882, 948, Act no. 88-202
- Etowah high school football team, and coach Wyman Townsel, commended for outstanding 1987 season—
HJR 329, pages 882, 948, Act no. 88-200
- Farmer, mrs. Karlene Frazier, commended as 1987 first lady of Mobile—
HJR 118, pages 354, 377, Act no. 88-66
- Fletcher, mr. James C., NASA administrator, and national aeronautics and space administration, commended—
SR 7, page 8
- Ford, mr. Michael A., of Fairhope, commended for outstanding service to the city council and community—
HJR 315, pages 801, 936, Act no. 88-186
- Fowler, mrs. Betty, of Hamilton elementary school, commended as Marion county elementary teacher of the year, 1987-88—
SR 138, page 768

RESOLUTION, CONGRATULATORY (Continued)

France, mr. Bill, jr., of international speedway corporation, commended in recognition of his extraordinary achievement and contributions to the sport of motor racing—
SR 233, page 2181

Francis Marion high school basketball team, of Marion, commended as Alabama's state 2A basketball champions—
SR 113, page 678

Frasier, dean Stan, commended for professional achievement and contributions to Wallace state college—
HJR 444, pages 1968, 2010, Act no. 88-529

Fullman, mr. and mrs. Milton, of Adamsville, commended on their 60th wedding anniversary—
HJR 21, pages 121, 174, Act no. 88-18

Gadsden state community college boys' basketball team commended for their outstanding 1988 season—
HJR 376, pages 1526, 1660, Act no. 88-355

Gamble, mr. and mrs. Marshall, of Mount Hebron, commended on their 69th wedding anniversary—
HJR 337, pages 880, 948, Act no. 88-208

Gizzi, mr. Alessio, of Newington, Connecticut, commended on his 67th birthday—
SR 26, page 134

Gober, mr. John W., jr., of Arab, commended as outstanding citizen for 1988—
HJR 199, pages 651, 683, Act no. 88-101

Gray, mr. and mrs. Samuel A., sr., of Tuscaloosa, commended on their 50th wedding anniversary—
HJR 359, pages 1519, 1662, Act no. 88-369

Greater Valley area chamber of commerce commended for outstanding service—
SR 116, page 678

Greene, mr. Hamp, of Montgomery, commended for his outstanding football career at Montgomery academy—
SJR 19, pages 132, 256, 268, 288, Act no. 88-50

Greenville high school football team commended as the 1987 state 5A football champions—
HJR 61, pages 156, 191, Act no. 88-35

Grissom high school boys' basketball team commended for state basketball championship—
HJR 270, pages 687, 704, Act no. 88-118

Grissom high school lady tigers basketball team commended for winning Huntsville city title—
HJR 278, pages 745, 781, Act no. 88-159

Grove Hill academy football team, and coach Billy Hamilton, commended for their 1987 APSA class 1A football championship—
HJR 375, pages 1525, 1660, Act no. 88-354

RESOLUTION, CONGRATULATORY (Continued)

Gullage, mrs. Josephine, of Midland City, commended for receiving certification as municipal clerk—
HJR 510, pages 2161, 2242, Act no. 88-633

Habl, captain and mrs. Zdravko and Ana, of St. Thomas, Virgin Islands, commended—
SR 64, page 362

Hamilton, coach Billy, and Grove Hill academy football team, commended for their 1987 APSA class 1A football championship—
HJR 375, pages 1525, 1660, Act no. 88-354

Hancock, miss Millie, of Russellville, commended on first place honors in the state distributive education clubs of America competition—
SR 149, page 875

Hand, mrs. Mary L., of Athens, commended for outstanding community service—
SR 118, page 678

Hansford, dean Vernon Nathaniel, commended for outstanding professional achievement as dean of the university of Alabama law school—
SJR 169, pages 1535, 1900, 1945, 1983, Act no. 88-452

Hartselle lady tigers basketball team, commended for its 1987-1988 championship season—
HJR 479, pages 1973, 2074, 2239, Act no. 88-575

Hearn, mr. Olin C., of Albertville, commended as humanitarian of the year—
HJR 204, pages 651, 683, Act no. 88-103

Hewitt-Trussville high school wrestling team, commended as the 1987-1988 state 6A champions—
HJR 246, pages 811, 937, Act no. 88-192

Hewitt-Trussville junior high school symphonic band commended for outstanding achievement—
SR 219, page 2001

Hill, mr. Ivan, commended as the chairman of the board of the citizens bank of Winfield—
SR 193, page 1561

Hodges, captain Horace W., of Tuscaloosa, commended as most outstanding fraternal order of police member for 1987—
HJR 120, pages 354, 377, Act no. 88-67

Holland, mrs. Peggy T., of Mobile, commended upon her retirement from the state of Alabama—
SR 129, page 719

Holland, rev. James H., commended for his distinguished and dedicated ministry—
HJR 59, pages 156, 191, Act no. 88-34

Hollingsworth, ms. Loucretia, commended for distinguished service to the girl scouts—
SJR 111, pages 677, 746, 772, 773, Act no. 88-148

RESOLUTION, CONGRATULATORY (Continued)

- Hooper City alumni association, welcomed by Birmingham, for its biannual reunion—
HJR 406, pages 1523, 1662, Act no. 88-373
- Houston, mr. Martin, of Cherokee county high school, commended as outstanding scholar-athlete—
SR 15, page 95
- Howard, mr. and mrs. Charles G., of Adamsville, commended on their 61st wedding anniversary—
HJR 338, pages 881, 948, Act no. 88-209
- Howard, sponsor Wanda, and the Albertville high school varsity cheerleaders, commended for placing first in national cheerleading association competition in Dallas—
SR 227, page 2053
- Hudson, mr. Graham, and mr. Cleatus Ledford, commended for achievement in revitalization of Still Waters resort in Tallapoosa county—
HJR 217, pages 657, 703, Act no. 88-114
- Hudson, mrs. Bernice B., of Mobile, commended for honorable and outstanding service—
SR 236, page 2242
- Insurance anti-trust lawsuit, initiation of, nine attorneys general, commended—
HJR 280, page 806
- Jackson, rev. Jesse, commended for his unprecedented showing in various democratic primaries and caucuses—
HJR 297, pages 808, 2074, 2237, 2237, Act no. 88-567
- Johnson, James and Bernice, of Birmingham, commended on their 51st wedding anniversary—
SR 240, page 2259
- Johnson, mr. Paul, of Statesville, commended for outstanding service as governor of the Alabama district of circle k—
SR 106, page 640
- Johnson, mrs. Anita, of Mobile, commended for outstanding and professional community service—
HJR 64, pages 155, 192, Act no. 88-38
- Johnson, mrs. Bernice, of Birmingham, commended for outstanding achievement and contributions to education and to the community—
SJR 172, pages 1537, 1900, 1945, 1983, Act no. 88-454
- Johnston, mr. Thurston, of Crossville, commended as recipient of the United States baseball federation's service award—
HJR 42, pages 117, 175, Act no. 88-26
- Jones, mr. and mrs. Elbert Henry, of Crossville, commended on their 71st wedding anniversary—
HJR 334, pages 881, 948, Act no. 88-205
- Jones, Raymond Bryant, jr., of Huntsville, commended for outstanding achievement as the winner of the 4-H steer show award for county, district and state—
SJR 197, pages 1613, 1901, 1945, 1983, Act no. 88-466
SR 196, page 1613

RESOLUTION, CONGRATULATORY (Continued)

Julian Newman elementary school, of Athens, commended as representative in U. S. department of education's elementary school recognition program—

SR 24, page 134

Kelley, mr. and mrs. Dorsey Chalmus, of Skipperville, commended on their 50th anniversary—

SJR 34, pages 170, 256, 269, 288, Act no. 88-58

Kizer, dr. Lawton Edward, jr., commended on the occasion of his retirement—

SR 119, page 678

Kyles, mr. and mrs. Victor, of Reform, commended on their 25th wedding anniversary—

HJR 132, pages 393, 423, Act no. 88-73

Lamon, mrs. Nora Lillian, of Mulga, commended on her 90th birthday—

HJR 128, pages 393, 423, Act no. 88-72

Lang, mr. Charles, of Mobile, commended for outstanding professional achievement—

HJR 92, pages 302, 317, Act no. 88-48

Lawrence mill band, of Fayette, commended for outstanding achievement—

SR 124, page 685

Ledford, mr. Cleatus, and mr. Graham Hudson, commended for achievement in revitalization of Still Waters resort in Tallapoosa county—

HJR 217, pages 657, 703, Act no. 88-114

Lee brass company, of Anniston, commended on presentation of brass seals in Senate chamber—

SR 17, page 101

Legislative staff commended for their untiring service and devotion to duty—

HJR 392, pages 1525, 1661, Act no. 88-359

Lewis, mrs. Cordelia, of Morgan county, commended on her 86th birthday—

HJR 365, pages 1530, 1662, Act no. 88-371

Lewis, mrs. Frances Jackson, of Mobile, commended for outstanding community service—

SR 214, page 1986

Limestone county human resources department, commended for successful passage of act no. 87-597 for benefit of children's welfare—

SR 41, page 214

Litchfield high school basketball team commended for 1988 season—

HJR 339, pages 881, 949, Act no. 88-210

Loachapoka high school, of Lee county, commended on their 1988 state 1A basketball championship—

SJR 152, pages 916, 1193, 1331, 1334, Act no. 88-252

Lyons, mr. Mark, jr., of Mobile, commended on his 80th birthday—

HJR 431, pages 1521, 1660, Act no. 88-350

RESOLUTION, CONGRATULATORY (Continued)

Mannsfeld, dr. Sven-Peter, of Mobile, commended for being the recipient of the "cross of the order of merit" from the president of West Germany—

HJR 520, pages 2160, 2242, Act no. 88-637

Maples, mr. Mack, of Limestone county, commended for outstanding service—

HJR 421, pages 1524, 1660, Act no. 88-347

Marine resources, division of, department of conservation and natural resources, commended—

HJR 127, pages 393, 423, Act no. 88-70

Marion high school basketball team commended as 2A champions—

HJR 235, pages 810, 935, Act no. 88-174

Marion military institute's Morgan raiders commended on their campus service projects—

SR 217, page 2000

Marona, miss Gladys, of Gadsden, commended on being nominated for the Alabama educational leadership hall of fame—

HJR 413, pages 1524, 1659, Act no. 88-377

Maroney, chief Vernon, of Harvest volunteer fire department, commended as EMT basic and rapid responder of the year—

SR 25, page 134

Mars Hill bible school basketball team, and coach David Willingham, commended for their 1988 outstanding season—

SR 140, page 769

Mars Hill girls' basketball team commended as 1988 state 1A champions—

SR 141, page 769

Martin, dr. Sandra K., commended for appointment as vice president of John C. Calhoun state community college—

SR 54, page 309

Maze, mr. Dennis, of Horton, commended for outstanding achievement and leadership in agriculture—

HJR 238, pages 810, 937, Act no. 88-189

McDonald, miss Ericka Day, of Greenville, commended as Alabama's junior miss for 1988—

HJR 62, pages 156, 192, Act no. 88-36

McMullens, miss Lisa, of the Aliceville high school girls' basketball team, commended for outstanding achievement during their 1988 season—

HJR 435, pages 1610, 1665, Act no. 88-376

McNulty, mr. Joseph T., commended for outstanding service to the children's hospital, Birmingham—

SR 241, page 2259

McPherson, rev. Jonathan, of Hueytown, commended for service to the ministry—

SR 135, page 762

RESOLUTION, CONGRATULATORY (Continued)

Meadowview elementary school odyssey of the mind team commended for winning the state competition—
HJR 440, pages 1969, 2010, Act no. 88-524

Melton, rep. Bryant, jr., of Tuscaloosa, commended for being the recipient of the alpha kappa alpha sorority award for outstanding community service—
HJR 387, pages 1526, 1661, Act no. 88-357

Micklus, dr. Samuel, founder of odyssey of the mind, commended—
HJR 443, pages 1968, 2010, Act no. 88-527

Miller, coach Charles F., of Talladega high school, commended on his distinguished coaching career—
SR 210, page 1915

Mitchell, mr. J. E., jr., commended for his service to Madison county airport authority—
SR 72, page 411

Mobile country music association commended for preservaton of country and gospel music throughout the state—
HJR 250, pages 804, 937, Act no. 88-194

Montgomery academy football team commended for their perfect record and state 1A championship—
SJR 35, pages 170, 257, 269, 288, Act no. 88-59

Moore, mr. and mrs. Thomas Dalton, of Winfield, commended on their 50th wedding anniversary—
HJR 22, pages 122, 174, Act no. 88-19

Morgan, mr. Sheldon L., of Mobile, commended for outstanding service as chairman of the national waterways conference—
HJR 19, pages 121, 174, Act no. 88-16

Moseley, ms. Eloise, of Morningview elementary school in Montgomery, commended for outstanding achievement and being named elementary principal of the year—
HJR 282, pages 806, 937, Act no. 88-198

National aeronautics and space administration and Boeing company commended for developing America's space station—
HJR 168, pages 660, 715, 739, Act no. 88-122

National aeronautics and space administration and dr. James C. Fletcher, administrator, commended—
SR 7, page 8

Nelson, command sgt. major Bobby LeRoy, of Mobile, commended for his distinguished military career—
SR 60, page 333

Nix, coach Conrad, and Albertville high school football team, commended for 1987 season—
SR 238, page 2258

Nix, mayor James P., of Fairhope, commended for distinguished professional and community leadership—
HJR 314, pages 801, 936, Act no. 88-185

RESOLUTION, CONGRATULATORY (Continued)

- Norris, ms. Peggy, of Seth Johnson elementary school, Montgomery, commended as elementary teacher of the year 1987-1988—
HJR 286, pages 807, 936, Act no. 88-180
- North Alabama railroad museum recognized with commendation for its worthy objectives—
HJR 292, page 807
- Oak Park middle school, of Decatur, commended on selection as physical fitness demonstration center—
SJR 13, pages 95, 118, 153, 194, Act no. 88-3
- Opelika high school band, commended for extraordinary achievement—
HJR 414, pages 1524, 1659, Act no. 88-344
- Page, chief deputy Charles, of Limestone county, commended as law enforcement officer of the year—
SR 63, page 360
- Palmer, mrs. Ruth, of Hamilton, commended for outstanding professional achievement and service—
SR 142, page 789
- Parker, dr. Susan D., of Hartselle, commended as a United States jaycee outstanding young American—
HJR 281, pages 805, 937, Act no. 88-197
- Parris, mr. and mrs. Robert, of New Harmony, commended on their 61st wedding anniversary—
HJR 203, pages 651, 683, Act no. 88-102
- Parsons, mr. Robert P., of Dogwood Grove, commended on his 101st birthday—
SR 163, page 1452
- Patton, mr. and mrs. Floyd Hubert, of Warrior, commended for their 54th wedding anniversary—
HJR 236, pages 810, 935, Act no. 88-175
- Pell City high school ladies' basketball team commended for state 5A championship—
HJR 215, pages 657, 703, Act no. 88-113
- Pickens academy ladies' basketball team commended for their 1988 season and their second place ranking in APSA competition—
HJR 231, pages 811, 935, Act no. 88-170
HJR 232, pages 811, 935, Act no. 88-171
HJR 233, pages 811, 935, Act no. 88-172
HJR 234, pages 810, 935, Act no. 88-173
- Pickett, general George Bibb, jr., of Montgomery, commended on his 70th birthday—
SR 203, page 1617
- Piedmont lions club commended on its 50th anniversary of service to the community—
HJR 226, pages 804, 935, Act no. 88-167
- Pike, mr. and mrs. Alvie Lee, of Boaz, commended on their 50th wedding anniversary—
HJR 335, pages 881, 948, Act no. 88-206

RESOLUTION, CONGRATULATORY (Continued)

- Puckett, mrs. Jeanette, of Fairhope, commended for outstanding service to the Fairhope city council and community—
HJR 320, pages 801, 937, Act no. 88-188
- Pugh, coach Toney, of Hewitt-Trussville high school, commended for outstanding achievement as coach of the year—
HJR 247, pages 809, 937, Act no. 88-193
- Quinn, dr. Randy, of Montgomery, commended for service to education in Alabama—
SJR 166, pages 1533, 1899, 1944, 1983, Act no. 88-449
- Realtors, Alabama association of, commended as sponsor of Alabama leadership network—
HJR 367, pages 1529, 1660, Act no. 88-351
- Reeltown high school band commended for outstanding achievement—
HJR 11, pages 119, 173, Act no. 88-11
- Reeltown high school football team commended as state 2A champions for 1987—
HJR 13, pages 120, 174, Act no. 88-13
- Rennekamp, David E., of Coosada, commended on his promotion to the rank of lieutenant colonel—
HJR 366, pages 1530, 1662, Act no. 88-372
- Rhoades, coach Rick, commended as head football coach for Troy state university's NCAA division II national football champions—
SJR 32, pages 168, 256, 269, 288, Act no. 88-56
- Richey, mr. Dale N., of Montgomery, commended for achievement and service as state director of the farmers home administration in Alabama—
SR 50, pages 266, 776
- Riley, miss Elizabeth Jenice, of Clay county, commended as county's junior miss for 1987-1988—
SR 180, page 1542
- Robertson, cw4 Buster Larry, of Cragford, commended on his distinguished military career—
SR 107, page 640
- Robertson, mr. Joe, of Montgomery, commended for outstanding achievement and public service—
SJR 157, pages 953, 1193, 1331, 1334, Act no. 88-254
- Russell, mrs. Jean, commended as Aliceville chamber of commerce "citizen of the year" for 1988—
HJR 381, pages 1526, 1660, Act no. 88-356
- Sager, mr. Daryle, of Montgomery, commended for outstanding golfing achievement—
SR 234, page 2241
- Sanders, sen. Henry, of Selma, commended as state president of the Alabama new south coalition—
HJR 465, pages 1971, 2009, Act no. 88-518

RESOLUTION, CONGRATULATORY (Continued)

- Sanford, mrs. Mary Anne, of Fayette county, commended as county merit mother of the year for 1988—
SR 101, page 518
- Sanford, mrs. Mary Anne, of Fayette county, commended as Alabama merit mother of the year for 1988—
SR 139, page 768
- Sasser, rep. James, of Ozark, commended on the occasion of his retirement from Alabama aviation and technical school—
HJR 222, pages 656, 703, Act no. 88-116
- Sawyer, mayor Eugene, jr., of Chicago, Illinois, commended for outstanding achievement—
HJR 78, pages 155, 192, Act no. 88-42
- School for the deaf football team, and coach DeWayne Clark, commended on the 1987 deaf school national championship—
SJR 28, pages 135, 257, 269, 288, Act no. 88-53
- School for the deaf lady warriors volleyball team commended on team's 1987 national championship—
SJR 27, pages 134, 256, 268, 288, Act no. 88-52
- Science, technology and energy division of department of economic and community affairs commended for reducing the state's dependency on foreign energy—
HJR 438, pages 1969, 2010, Act no. 88-522
- Scottsboro-Jackson county rescue squad commended for outstanding service to the community—
HJR 15, pages 120, 174, Act no. 88-14
- Shockley, mr. David, of Etowah county, commended for induction into the 18th annual Jacksonville state university teacher hall of fame—
HJR 50, pages 116, 175, Act no. 88-28
- Shull, mr. Barney L., of Fairhope, commended for longtime service to the city of Fairhope and to the community—
HJR 319, pages 800, 937, Act no. 88-187
- Skipper, miss Shellie, of Trussville, commended as 1988 miss Logan Martin—
HJR 150, pages 439, 513, Act no. 88-83
- Slater, miss Jeaniece, of Hartselle, commended as an outstanding youth athlete—
HJR 333, pages 881, 948, Act no. 88-204
- Smith, mrs. Nelle, of Mobile, commended for outstanding service to state—
HJR 139, pages 392, 423, Act no. 88-76
- Snodgrass, judge John David, of Madison county, commended for long-time and distinguished service to the county court system—
HJR 72, pages 155, 192, Act no. 88-41
- Sparkman, dr. Brandon, of Guntersville, commended for service to the school system—
SJR 126, pages 714, 743, 773, 773, Act no. 88-151

RESOLUTION, CONGRATULATORY (Continued)

St. Clair county hospital auxiliary commended for outstanding community service—

HJR 99, pages 301, 317, Act no. 88-49

Stallworth, mr. John, of Huntsville, commended on his outstanding NFL career—

HJR 307, pages 800, 936, Act no. 88-182

Stough, bishop Furman Charles, of Montgomery, commended for his years of service to the Episcopal church—

SJR 71, pages 396, 531, 580, 584, Act no. 88-90

Strope, dr. John L., jr., of Mobile, commended as a distinguished educator—

HJR 91, pages 301, 317, Act no. 88-47

Sumter county high school basketball team commended on the 1988 state 4A basketball championship—

SR 114, page 678

HJR 229, pages 804, 935, Act no. 88-168

Sunshine high school basketball team, of Greensboro, commended on their outstanding basketball season—

SR 112, page 678

Sylacauga high school basketball team commended as the 1987-1988 state 5A basketball champions—

HJR 237, pages 810, 936, Act no. 88-176

Tallapoosa high school class of 1938 commended on their 50th class reunion—

HJR 502, pages 2161, 2242, Act no. 88-630

Techtrix, incorporated, of Gadsden, commended for its innovative environmental and energy efficient technology—

HJR 416, pages 1524, 1660, Act no. 88-345

The Alabama Journal commended for receiving the coveted Pulitzer prize—

SJR 202, pages 1617, 1901, 1944, 1983, Act no. 88-469

HJR 349, pages 1530, 1661, Act no. 88-364

The Southern Democrat commended for achievement and service to the citizens of Blount county—

HJR 239, pages 810, 937, Act no. 88-190

Thigpen, miss Vicky, of Fayette, commended as outstanding cheerleader—

SR 131, page 735

Thomaskutty, Champ Cherian, of Somerville, commended for outstanding academic achievement and leadership—

SJR 181, pages 1542, 1901, 1945, 1983, Act no. 88-460

Thompson, Robbie, of Montgomery, commended for winning the world junior racquetball championship, in Miami, Florida—

SR 43, page 217

Tinker, ms. Nikki, of Gadsden, commended for outstanding achievement—

HJR 412, pages 1524, 1659, Act no. 88-343

RESOLUTION, CONGRATULATORY (Continued)

Tom Beville center for professional development and continuing education, university of Alabama-Huntsville, commended upon opening—
HJR 145, pages 438, 513, Act no. 88-81

Tom Beville center in Gadsden for research and recycling of the tire industry commended upon opening—
HJR 10, pages 123, 173, Act no. 88-9

Townsel, coach Wyman, and Etowah high school football team, commended for outstanding 1987 season—
HJR 329, pages 882, 948, Act no. 88-200

Troy state university football team commended as 1987 NCAA division II national champions—
SJR 31, pages 167, 256, 269, 288, Act no. 88-55
HJR 43, pages 116, 776, 934, Act no. 88-161

Turk, mr. Mike, of Montgomery, commended as quarterback for Troy state university-NCAA division II national football championship—
SJR 33, pages 169, 256, 269, 288, Act no. 88-57

Turner, mrs. Betty, of Pell City, commended for outstanding community service and achievement—
HJR 214, pages 656, 703, Act no. 88-112

Turner, mr. Binford, of Limestone county, commended for distinguished service—
SR 121, page 679

UMS preparatory school of Mobile, football team, commended as Alabama's 1987 state 3A champions—
HJR 39, pages 117, 174, Act no. 88-24

University of Alabama women's gymnastics team commended on their 1988 NCAA championship—
SR 213, page 1986

University of Alabama-Huntsville commended as top school in the south in science and technology education—
HJR 87, pages 257, 621, 653, Act no. 88-99

University of Alabama-Huntsville and university of north Alabama, commended for Alabama educational computing research and development network—
HJR 165, pages 607, 776, 934, Act no. 88-166

University of south Alabama commended on its 25th anniversary—
HJR 475, pages 1973, 2010, Act no. 88-528

Upchurch family of Lineville commended as outstanding farm family in Alabama—
SR 14, page 95

Venable, rep. Jack, of Tallassee, commended on his election as president of Alabama press association—
HJR 225, pages 816, 938, Act no. 88-199

Vigor high school football team, of Prichard, commended as 1987 6A champions—
HJR 115, pages 356, 377, Act no. 88-65

RESOLUTION, CONGRATULATORY (Continued)

W. K. Kellogg foundation, of Battlecreek, Michigan, commended for investments in Alabama and at AIDB—
HJR 245, pages 809, 937, Act no. 88-191

Walker, mr. Julian E., of York, commended for outstanding community service—
HJR 106, pages 355, 377, Act no. 88-62

Webster, coach Duane, commended as head coach of Reeltown high school football team for state 2A football champions—
HJR 12, pages 119, 173, Act no. 88-12

West End high school football team, and coach Brent Clifton, commended for outstanding 1987 season—
HJR 330, pages 882, 948, Act no. 88-201

West, mr. Mike, of Limestone county, commended for outstanding contribution to north Alabama emergency medical service—
SR 38, page 171

White, mr. Roy C., of Fairhope, commended for distinguished leadership of the Fairhope city council—
HJR 350, pages 1531, 1661, Act no. 88-365

Williams, mr. Hank, jr., commended for outstanding achievement in the entertainment field—
SR 92, page 452

Williams, mr. Marshall, of Clayton, commended for distinguished public service—
SJR 165, pages 1532, 1899, 1944, 1983, Act no. 88-448

Willingham, coach David, and the Mars Hill bible school varsity basketball team, commended on their outstanding season—
SR 140, page 769

Wilson, ms. Tina, of the children's center school, of Montgomery, commended as the recipient of an outstanding educator award as special education teacher of the year 1987-1988—
HJR 284, pages 805, 936, Act no. 88-178

Wright, dr. John, of Huntsville, commended for distinguished service to the university of Alabama in Huntsville and to the community—
HJR 332, pages 881, 948, Act no. 88-203

Yielding, mr. Frank Brooks, of Birmingham, commended for outstanding achievement to the savings and loan industry—
HJR 25, pages 119, 174, Act no. 88-21

Young, mrs. Rose, of Mobile, commended for outstanding service to the county—
HJR 65, pages 156, 192, Act no. 88-39

RESOLUTION, DESIGNATION

Camp ASCCA/Easter seals, Alabama's special camp for the disabled, portion of highway 280 in Tallapoosa county, named—
HJR 14, pages 120, 2075, 2238, Act no. 88-569

Coy Armstrong baseball field at Gadsden state community college, named—
HJR 513, pages 2162, 2242, Act no. 88-635

RESOLUTION, DESIGNATION (Continued)

- Cureton bridge, on state highway 27, crossing the Choctawhatchee river southwest of Abbeville, named—
HJR 151, page 439
- Dauphin Island day, April 30, 1988, designated—
HJR 430, pages 1521, 1660, Act no. 88-349
- “Delta day” in the Alabama state house and “delta sigma theta day” in the state, February 9, 1988, designated—
HJR 48, pages 115, 175, Act no. 88-27
- Donaldson-Foreman diesel and heavy equipment building, at Douglas MacArthur state technical college, named—
SJR 178, pages 1541, 1901, 1946, 1984, Act no. 88-459
SJR 189, pages 1554, 2235, 2256, 2271, Act no. 88-592
- Egg month, February, 1988, designated—
SJR 12, pages 94, 118, 152, 194, Act no. 88-4
HJR 17, pages 120, 174, Act no. 88-15
- Eric Dunn day, April 20, 1988, designated—
SJR 201, pages 1616, 1901, 1944, 1984, Act no. 88-468
- Evans-Roshell park in the Holt community, Tuscaloosa County, named—
HJR 71, pages 155, 192, Act no. 88-40
- Folsom-McFarland highway, state highway 69 from Coffeeville to Gunterville, named—
SJR 67, pages 363, 531, 579, 584, Act no. 88-95
- Fort S. Ralph Terhune, Alabama army national guard armory at Birmingham, named—
SJR 218, page 2000
- Frank Rogers highway, U. S. 78 from the Walker county line to point of intersection with I-85 in Birmingham, named—
SJR 115, page 678
- Gene Bartow arena for basketball at UAB, named—
HJR 7, pages 119, 173, Act no. 88-44
- George Seibels highway, portion of I-59 in Birmingham, named—
HJR 397, pages 1522, 1661, Act no. 88-362
- Hardeman-McLaughlin armory, in Mobile, formerly Ft. Hardeman armory, named—
HJR 88, pages 257, 267, Act no. 88-46
- J. W. Goodwin highway, Alabama highway 20 in Colbert county, named—
HJR 361, page 1520
- James G. Sasser building, on campus of Alabama aviation and technical college, named—
SJR 122, pages 679, 743, 772, 773, Act no. 88-149
- Jeanne Dozier day, April 19, 1988, designated—
SJR 195, pages 1613, 1900, 1945, 1983, Act no. 88-465
- Joe Abbott drive, portion of county road 91 in Jackson county, designated—
HJR 16, pages 120, 2075, 2238, Act no. 88-570

RESOLUTION, DESIGNATION (Continued)

- Lady Bird Johnson day, designated as April 28, 1988, in honor of her life of service—
HJR 271, pages 687, 929, 949, Act no. 88-212
- Leon McReynolds lake, in Baldwin county, named—
HJR 404, page 1523
- Marshall Newman day, May 19, 1988, designated—
HJR 511, pages 2161, 2242, Act no. 88-634
- Morning star Baptist church day, February 14, 1988, designated—
SR 8, page 8
SR 47, page 234
- Mound state parkway, Alabama highway 69 from Skyland boulevard in Tuscaloosa county to Hale county road 46, named—
HJR 508, pages 2161, 2242, Act no. 88-632
- “Perry O. Hooper, jr., act”, act 87-573, named—
HJR 108, page 355
- Phillip J. Hamm drive, portion of old highway 231 in Dale and Houston counties, named—
HJR 515, pages 2160, 2242, Act no. 88-636
- Poultry week, June 5-11, designated—
SJR 177, pages 1541, 1900, 1945, 1984, Act no. 88-458
- Renaissance faire, in Florence, designated as the official renaissance faire in the state—
HJR 24, pages 118, 120, 224, 224, Act no. 88-43
- Rogers Smith independent living center at Alabama school for the blind, named—
SJR 230, pages 2165, 2240, 2256, 2271, Act no. 88-595
- Safe boating week, June 5-11, 1988, designated—
HJR 473, pages 1970, 2010, Act no. 88-521
- Sheffield, designated as Alabama’s “senior city U.S.A.”—
SJR 128, pages 716, 746, 773, 773, Act no. 88-153
- Spinal cord injury awareness month, April, 1988, designated—
HJR 56, pages 117, 175, Act no. 88-30
- Vietnam veterans memorial highway, portions of highway 5 and highway 25 in Bibb county, named—
HJR 172, pages 661, 918, 949, Act no. 88-211
- William F. Gardiner drive, existing crest drive in Tuscumbia, named—
SJR 146, pages 815, 1193, 1331, 1334, Act no. 88-251
- William H. Osborn english building, named at Snead state junior college—
SJR 191, pages 1556, 1901, 1944, 1983, Act no. 88-462
- William Wallace Gross park on Guntersville lake, designated—
HJR 53, pages 115, 621, 653, Act no. 88-98
- Wright S. Gilchrist room in the Alabama school for the deaf student center, named—
SJR 229, pages 2164, 2240, 2256, 2271, Act no. 88-594

RESOLUTION, DESIGNATION (Continued)

Year of the young reader, 1989 designated—
HJR 169, pages 660, 703, Act no. 88-108

RESOLUTION, LEGISLATIVE

Acts and journals, printing of—
SJR 3, pages 4, 118

AIDS, legislative advisory commission, established to study—
HJR 66, pages 157, 372, 437, 444, 911, 950, Act no. 88-213

Bennett, mr. William J., United States secretary of education, invited to address a joint session of the legislature—
SJR 45, page 229
HJR 309, pages 799, 936, Act no. 88-183

Committee appointed to notify governor of session—
SJR 1, page 4
HJR 2, pages 6, 114, Act no. 88-1

Fox, dr. Claude Earl, state health officer, invited to address joint session of the legislature on the AIDS crisis—
HJR 28, page 122

Free speech, congress urged to pass amendment to first amendment to prohibit abuse of—
HJR 162, page 648

Funding process, joint legislative interim committee established to study—
SJR 226, pages 2052, 2076, 2111, 2270, 2272, Act no. 88-665

Future of Alabama, legislative committee established to study—
HJR 176, pages 651, 717, 742, 780, Act no. 88-158

Governor, committee appointed to escort to joint session—
SJR 2, page 4

Governor, invited to address joint session of legislature—
HJR 3, pages 6, 114, Act no. 88-2

Homeless, joint legislative committee established to study—
HJR 119, pages 657, 2074, 2239, Act no. 88-572

Household garbage, shipped into state, legislative concern expressed—
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